



ADA Toolkit



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Welcome to the ADA Toolkit

Welcome to the National RTAP ADA Toolkit! The purpose of this Toolkit is to help rural and Tribal transit managers understand the U.S. Department of Transportation (DOT) requirements for public transit providers under the [Americans with Disabilities Act of 1990 \(ADA\)](#), and to help rural and Tribal transit systems comply with the ADA requirements that apply to them. The ADA prohibits discrimination against and ensures equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, commercial facilities, and transportation.

The information in this Toolkit focuses on U.S. DOT regulations in [49 CFR Part 37- Transportation Services for Individuals with Disabilities \(ADA\)](#) and [49 CFR Part 38- Americans with Disabilities Act \(ADA\) Accessibility Specifications for Transportation Vehicles](#). This Toolkit also refers extensively to [Federal Transit Administration \(FTA\) Circular 4710.1, Americans with Disabilities Act \(ADA\): Guidance](#) as well as other federal guidance, standards, and technical assistance. The end of this section of the Toolkit provides links to these and other key ADA-related regulations, standards, and guidance documents that are referenced throughout the Toolkit.

Section 5311-funded rural and Tribal public transit systems are the primary audience for this Toolkit. State Section 5311 program staff may also find this Toolkit useful in understanding the ADA requirements that apply to their Section 5311 subrecipients. Section 5311 Tribal Transit Program (TTP) recipients are covered by Titles [II](#) and [III](#) of the ADA which provides that no entity shall discriminate against an individual with a disability in connection with the provision of transportation service. This Toolkit includes specific information that will be helpful to Tribal transit managers.

The Toolkit focuses on the requirements for public entities that operate fixed-route or demand response bus services. Rail and ferry transit modes are also covered by the ADA but are not addressed in this Toolkit. While many ADA requirements apply to all transportation providers, some requirements differ depending upon whether the agency providing the service is a public entity or a private entity. However, if a private contractor is providing transportation services under contract or other arrangement or relationship (including a grant, subgrant, or cooperative agreement) with a public entity, the private entity must abide by the regulations that apply to the public entity as if the public entity were directly operating the service ([Section 37.23](#)). The private entity is regarded as “standing in the shoes” of the public entity. See Section 1.3.2 of [FTA ADA Circular 4710.1](#) for a discussion on “standing in the shoes” applicability.

Importantly, the information presented in this Toolkit is presented as technical assistance and is not legal advice. A transit agency with a question or specific situation that is not addressed in the U.S. DOT ADA regulations or U.S. DOT or FTA guidance documents may wish to request technical assistance from their Regional Civil Rights Officer at their [FTA Regional Office](#) or the FTA Headquarters Office of Civil Rights [via email](#) or its toll-free hotline at (888) 446-4511, and/or seek legal counsel. It must be stressed that the U.S. DOT ADA regulations are legal requirements, not FTA program requirements. Individuals who feel they have been subject to discrimination have the right to seek remediation independently through the legal system.

While this Toolkit is not an exhaustive collection of requirements, it is meant to give rural and Tribal transit managers an overview of their responsibilities under the ADA statute and regulations to provide accessible, nondiscriminatory service. For some topics, examples of suggested practices are

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introduced. The first section is a listing of ADA requirements common to all service types as well as by service type. This is a good place for a new transit manager to start. The rest of the Toolkit is broken into various topics that apply to the majority of agencies providing public transportation. All of the sections contain links to information sources and related resources. There are also New Developments and a Glossary that compiles the definitions that are introduced in this Toolkit. We have also provided ADA Policy Templates for different service types as well as a template for an ADA complementary paratransit appeal process.

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Key Regulations, Standards, and Guidance

This section of the ADA Toolkit introduces the various federal regulations, standards, and guidance on compliance with the ADA that are relevant to subrecipients of the Federal Transit Administration's (FTA's) Section 5311 Formula Grants for Rural Areas program (rural public transit agencies).

Section 5311 Tribal Transit Program (TTP) recipients are covered by Titles II and III of the ADA which provides that no entity shall discriminate against an individual with a disability in connection with the provision of transportation service. This section of the Toolkit includes specific information that will be helpful to Tribal transit managers.

These key requirements and guidance, referenced throughout the Toolkit in specific contexts, are compiled here for convenient reference. This section is organized in the following subsections:

- Regulations
- Regulatory Standards
- Guidance and Technical Assistance
 - FTA Circular 4710.1, Americans with Disabilities Act (ADA): Guidance
 - FTA Master Agreement
 - FTA Comprehensive Review Contractors Manual
 - FTA Tribal Transit Technical Assistance Assessment Guide
 - Additional U.S. DOT and FTA Guidance
 - Disability Rights Education & Defense Fund (DREDF) Topic Guides on ADA Transportation
 - Guidance on Website Accessibility
- Section Sources

Regulations

Federal regulations are detailed in the Code of Federal Regulations (CFR). The regulations established by the U.S. Department Transportation (U.S. DOT) are found in [Title 49 of the CFR](#). ADA-related regulations from other federal departments that rural and Tribal public transit managers should be aware of are also provided in the following table.

Key Regulations, Standards, and Guidance

Title/Part of CFR	Name	What it covers
49 CFR Part 27	Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance	U.S. DOT requirements under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794, “Section 504”) See also 49 CFR Part 37 , Transportation Services for Individuals with Disabilities (ADA)
49 CFR Part 37	Transportation Services for Individuals with Disabilities (ADA)	U.S. DOT requirements under the ADA for transportation – including general nondiscrimination, service requirements, when facilities must be made accessible, standards for accessible buildings and facilities, and when vehicles that comply with 49 CFR Part 38 must be acquired
49 CFR Part 38	Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles	U.S. DOT requirements under the ADA for vehicle specifications – vehicles acquired must meet these standards as required under 49 CFR Part 37
49 CFR Part 39	Transportation for Individuals with Disabilities: Passenger Vessels	U.S. DOT requirements under the ADA for waterborne passenger transportation service (including ferries and water taxis) Note that this regulation may not be relevant for most rural transit agencies, and these requirements are not addressed in this Toolkit. However, a rural transit agency that operates or funds ferry service must comply with this regulation.
28 CFR Part 35	Nondiscrimination on the Basis of Disability in State and Local Government Services	U.S. Department of Justice (DOJ) requirements for state and local government services; includes requirements to prepare a transition plan
29 CFR Part 1630	Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act	U.S. Department of Labor (DOL) requirements related to equal opportunity for qualified individuals with disabilities in employment decisions. Not applicable to Tribal Transit Program (TTP) recipients. Additional context is provided in the Guidance and Technical Assistance section that follows.

Title/Part of CFR	Name	What it covers
36 CFR Part 1194	Information and Communication Technology Standards and Guidelines	<p>U.S. Access Board standards for information and communication technology. Section 508 standards are found in Appendix D.</p> <p>These standards are required only for federal agencies and have not been adopted by a regulatory agency for non-federal agencies. They are referenced in this Toolkit only as technical guidance.</p>

Regulatory Standards

- [Appendix A to 49 CFR Part 37](#), ADA Standards for Transportation Facilities. U.S. DOT Standards for buildings and facilities are found [here](#).
- [49 CFR Part 38, Accessibility Specifications for Transportation Vehicles](#)

Guidance and Technical Assistance

FTA ADA Circular 4710.1, Americans with Disabilities Act (ADA): Guidance

FTA often communicates guidance on regulations through circulars, which assist grantees in understanding and complying with statutory requirements. This guidance provides grantees with direction on program-specific issues and statutory requirements.

In 2015, FTA issued its Circular [4710.1, Americans with Disabilities Act \(ADA\): Guidance](#). This circular incorporates U.S. DOT requirements under the ADA as well as [Section 504 of the Rehabilitation Act of 1973](#). The requirements and guidance in [FTA ADA Circular 4710.1](#) apply to all transit providers, including those that operate FTA-funded programs, including subrecipients of the Section 5311 Formula Grants for Rural Areas program. This includes recipients of Section 5311 Tribal Transit Program (TTP) funds.

FTA Master Agreement

The [FTA Master Agreement](#) contains the standard terms and conditions that apply to recipients of FTA grant funds, including funds awarded under the Tribal Transit Program. The [FTA Master Agreement \(version 31, May 2, 2024\)](#) contains specific ADA guidance for Tribal Transit Program (TTP) recipients and states that, while the requirements of the ADA are generally applicable to FTA recipients, only Title II (Public services) and Title III (Public Accommodations and Services by Private Entities) are applicable to Tribes. Title I (Employment) does not apply to Tribes because it exempts them from the definition of “employer.” Since Tribes are not specifically exempt from the provisions of Title II, FTA’s requirements in [49 CFR Parts 27](#) (Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance), [37](#) (Transportation Services for Individuals with Disabilities), [38](#) (Accessibility Specifications for Transportation Vehicles), and [39](#) (Transportation for Individuals with Disabilities: Passenger Vessels) all apply to

Key Regulations, Standards, and Guidance

Tribes that receive FTA funding. For more information, see the [Tribal Transit ADA section of the Transit Manager’s Toolkit](#).

[FTA Comprehensive Review Contractors Manual](#)

The [FTA Comprehensive Review Contractors Manual Fiscal Year 2024](#), is intended to provide guidance to FTA staff and contractors but may be used by recipients to better understand the minimum compliance requirements that recipients are expected to meet. ADA sections (General and Complementary Paratransit) include specific, citable, clearly articulated written requirements for compliance.

[FTA Tribal Transit Technical Assistance Assessment Guide](#)

The [FTA TTP Assessment Manual Fiscal Year 2023](#), is intended for Tribal Transit Program (TTP) recipients, FTA staff, and FTA contractors conducting these assessments. TTP recipients can use this guide to identify and better understand ADA requirements and prepare for an assessment. Like the [FTA Comprehensive Review Contractors Manual Fiscal Year 2024](#) (above), the [FTA TTP Assessment Manual Fiscal Year 2023](#) also provides specific, citable, clearly articulated written requirements for compliance.

[Additional U.S. DOT and FTA Guidance](#)

- [U.S. DOT, Questions and Answers Concerning Wheelchairs and Bus and Rail Service Disability Law Guidance](#)
- [U.S. DOT, Origin-to-Destination Service Disability Law Guidance](#)
- [U.S. DOT, Paratransit Requirements for Section 5311-Funded Fixed-Route Service Operated by Private Entities Disability Law Guidance](#)
- [U.S. DOT, “Dear Colleague” letter on shared mobility, December 5, 2016](#)
- [FTA Frequently Asked Questions \(FAQ\) related to ADA and shared mobility](#)
- [FTA "Premium Charges" for Paratransit Services](#)
- [FTA Title VI Requirements for ADA Paratransit Question and Answer Concerning FTA’s Circular 4702.1B, “Title VI Requirements and Guidelines for FTA Recipients”](#)
- [National Council on Disability, Transportation Update: Where We’ve Gone and What We’ve Learned \(2015\)](#)

[Disability Rights Education & Defense Fund \(DREDF\) Topic Guides on ADA Transportation](#)

FTA sponsored a series of technical assistance documents [Topic Guides on ADA Transportation](#). Published in 2010, the topic guides were developed by the Disability Rights Education & Defense Fund (DREDF) and TranSystems Corporation and are hosted on the DREDF website and linked to from the [ADA section of the FTA website](#).

[Guidance on Website Accessibility](#)

As noted in the FTA Circular, while the U.S. DOT ADA regulations do not set standards for website accessibility, FTA suggests that agencies review U.S. Department of Justice (DOJ) guidance, [Accessibility of State and Local Government Websites to People with Disabilities](#). Information about the U.S. DOJ Final Rule on the Accessibility of Web Content and Mobile Apps is available on

Key Regulations, Standards, and Guidance

[FTA's ADA Guidance website](#) and the [FTA's Civil Rights/ADA What's New website](#). These websites include links to the U. S. DOJ's [Final Rule, Press Release \(April 8, 2024\)](#), [Fact Sheet: New Rule on the Accessibility of Web Content and Mobile Apps Provided by State and Local Governments](#), and an [Accessibility of Web Content and Mobile Apps Provided by State and Local Governments: A Small Entity Compliance Guide](#).

Technical guidance on making websites accessible can be found in U.S. Access Board [Information and Communication Technology - Revised 508 Standards and 255 Guidelines](#). National RTAP provides additional [website accessibility technical assistance for rural transit agencies](#). Additional resources are introduced in the [Rider Information](#) section of this Toolkit.

Section Sources

- [28 CFR Part 35 - Nondiscrimination on the Basis of Disability in State and Local Government Services](#)
- [29 CFR Part 1630 - Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act](#)
- [36 CFR Part 1194 - Information and Communication Technology Standards and Guidelines](#)
- [49 CFR Part 27 - Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance](#)
- [49 CFR Part 37 - Transportation Services for Individuals with Disabilities \(ADA\)](#), including [Appendix E](#)
- [49 CFR Part 38 - Americans with Disabilities Act \(ADA\) Accessibility Specifications for Transportation Vehicles](#)
- [49 CFR Part 39 - Transportation for Individuals with Disabilities: Passenger Vessels](#)
- [Appendix A to 49 CFR Part 37, ADA Standards for Transportation Facilities](#)
- [FTA ADA Guidance website](#)
- [FTA Circular 4710.1, Americans with Disabilities Act \(ADA\): Guidance](#)
- [FTA Comprehensive Review Contractors Manual Fiscal Year 2023](#)
- [FTA Frequently Asked Questions \(FAQ\) related to ADA and shared mobility](#)
- [FTA Master Agreements](#), [FTA Master Agreement \(version 31, May 2, 2024\)](#)
- [FTA "Premium Charges" for Paratransit Services](#)
- [FTA Title VI Requirements for ADA Paratransit Question and Answer Concerning FTA's Circular 4702.1B, "Title VI Requirements and Guidelines for FTA Recipients"](#)
- [FTA Topic Guides on ADA Transportation](#)
- [FTA TTP Assessment Manual Fiscal Year 2023](#)
- [U.S. Access Board, Information and Communication Technology - Revised 508 Standards and 255 Guidelines](#)
- U.S. DOJ's [ADA.Gov Website](#) including [U.S. DOJ Accessibility of State and Local Government Websites to People with Disabilities](#), [Fact Sheet: New Rule on the Accessibility](#)

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[of Web Content and Mobile Apps Provided by State and Local Governments](#), and [Accessibility of Web Content and Mobile Apps Provided by State and Local Governments: A Small Entity Compliance Guide](#).

- [U.S. DOT, “Dear Colleague” letter on shared mobility, December 5, 2016](#)
- [U.S. DOT, Origin-to-Destination Service Disability Law Guidance](#)
- [U.S. DOT, Paratransit Requirements for Section 5311-Funded Fixed-Route Service Operated by Private Entities Disability Law Guidance](#)
- [U.S. DOT, Questions and Answers Concerning Wheelchairs and Bus and Rail Service Disability Law Guidance](#)
- [U.S. DOT Standards for Buildings and Facilities](#) (2006)

General Requirements for All Service Types

There are some Americans with Disabilities Act (ADA) requirements that apply to ALL transit agencies, regardless of the type of service they provide. These common requirements are described on this page of the Toolkit. They include non-discrimination requirements, provision of service requirements, other service requirements, the requirement to make reasonable modification of policies and practices, and the requirement for an ADA complaint process.

This section of the ADA Toolkit is organized into the following subsections:

- Non-Discrimination Requirements
 - U.S. DOT Regulatory Definition of “Wheelchair”
 - Reasonable Modifications
- Provision of Service Requirements
 - Maintenance and Use of Accessible Features
 - Other Service Requirements
- Reasonable Modification of Policies and Practices
- Training Requirements
- Complaint Process Requirements
- Section Sources

The information presented in this section is based on the U.S. Department of Transportation (U.S. DOT) regulations in [49 CFR Part 37- Transportation Services for Individuals with Disabilities \(ADA\)](#) and [FTA Circular 4710.1 - Americans with Disabilities Act \(ADA\): Guidance](#).

As noted on the Welcome page of this Toolkit, the Toolkit focuses on the requirements for public entities because these are the requirements that apply to Section 5311-funded services even if they are operated by a private entity. A private entity operating service under contract or other arrangement or relationship to a public entity or receiving a grant awarded by a public entity to operate transit services is considered under the U.S. DOT ADA regulations to be “standing in the shoes” of the public entity for those services. Therefore, that private agency is subject to the ADA requirements that apply to public entities for that service [[Section 37.23\(a\)](#)].

In addition to the common requirements that apply to all transit agencies and services, there are also service type-specific requirements that are not included on this page of the Toolkit. The ADA requirements that apply to specific types of service are presented in other sections of this Toolkit as listed below. Note that these Toolkit sections were developed by National RTAP and may not address all U.S. DOT ADA regulations. Readers are advised to review [FTA ADA Circular 4710.1](#) and U.S. DOT ADA regulations for complete guidance.

- [Fixed route bus service](#) – see Chapter 6 of [FTA ADA Circular 4710.1](#) for FTA guidance on fixed route requirements
- [ADA complementary paratransit service](#) – see Chapters 8 and 9 of [FTA ADA Circular 4710.1](#) for FTA guidance on ADA complementary paratransit requirements

General Requirements for All Service Types

- [Demand response service](#) – see Chapter 7 of [FTA ADA Circular 4710.1](#) for FTA guidance on demand responsive requirements
- [Route deviation service](#) – see Section 7.5.4 in Chapter 7 of [FTA ADA Circular 4710.1](#) for FTA guidance on route deviation service.

Definitions for each of these service types are provided on the page specific to that service type.

Before reviewing the requirements specific to each service type, readers are advised to review this section on the ADA requirements that apply to all service types, as well as Chapter 2 of the [FTA ADA Circular 4710.1](#).

Non-Discrimination Requirements

If the agency has not already done so, it is a good idea to develop a set of service policies so that riders know exactly what they can expect from the transit system. These policies are applicable to ALL riders, but must be nondiscriminatory. They should be posted on the transit agency's web site and be made available in accessible formats upon request.

Examples of policies that the U.S. DOT regulations explicitly cite as discriminatory include:

- Compelling an individual with a disability to use a separate transportation service than the general public service when they are capable of using the public service,
- Imposing special charges, or requiring an individual with a disability to be accompanied by an attendant [[49 CFR Section 37.5](#)].

For additional examples and guidance on discriminatory policies and practices, see Chapter 2, Section 2.2 of [FTA Circular 4710.1](#).

The nondiscrimination requirements in [49 CFR Section 37.5](#) state that an organization may not discriminate against people with disabilities. This is the overarching requirement that needs to be applied throughout the transportation system and the entire organization. Clear organizational and operating policies can help a transit agency clarify exactly how it will deliver public transit service in a non-discriminatory manner.

As a condition of eligibility for federal funding (such as Section 5311), [49 CFR Part 27](#) requires compliance with [49 CFR](#) Parts [37](#), [38](#), and [39](#).

The U.S. DOT ADA regulations under [49 CFR Part 37](#) specifically address these points:

- You cannot discriminate against a person with a disability in the provision of transportation service [[Section 37.5\(a\)](#)].
- You cannot, on the basis of disability, deny an individual with a disability the opportunity to use the general transportation system if that person is capable of using that service [[Section 37.5\(b\)](#)].
- You cannot require that a person with a disability use priority seating [[Section 37.5\(c\)](#)].
- You cannot impose special charges on individuals with disabilities, including those who use a wheelchair [[Section 37.5\(d\)](#)].

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- You cannot require that an individual with a disability be accompanied by an attendant [[Section 37.5\(e\)](#)].
- You cannot refuse service to an individual with disabilities because your insurance coverage or rates are based on the absence of individuals with disabilities [[Section 37.5\(g\)](#)].

U.S. DOT Regulatory Definition of “Wheelchair”

It is important that transit providers understand what mobility devices fall under the definition of “wheelchair” in the U.S. DOT regulations. As defined in [49 CFR Section 37.3](#), a wheelchair is “a mobility aid belonging to any class of three- or more-wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.” Three-wheeled mobility scooters fall under the U.S. DOT definition of wheelchair, and transit agencies must accommodate three-wheeled mobility scooters as wheelchairs. It is important to note that the definition of a wheelchair does not require specific elements or equipment such as front rigging (footplates or leg rests), wheel locks or brakes, push handles, or positioning belts or harnesses. Any transit agency policy, therefore, requiring wheelchairs to be equipped with specific features in order to be transported or allowing for the denial of service because of the perceived condition of a rider’s mobility device is not permitted under [49 CFR Section 37.165\(b\)](#) and would be a discriminatory policy prohibited by [49 CFR Section 37.5\(a\)](#). Additional information is found in the [Accommodating Riders Using Mobility Devices](#) section of the Toolkit.

Reasonable Modifications

Public transportation providers must make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability or to provide program accessibility to their services [[Section 37.5\(i\)](#)] - unless:

- 1) Granting the request would fundamentally alter the nature of the entity's services, programs, or activities;
- 2) Granting the request would create a direct threat to the health or safety of others; or
- 3) Without the requested modification, the individual with a disability is able to fully use the entity's services, programs, or activities for their intended purpose [[Section 37.169\(c\)](#)].

The general requirements related to considering requests for reasonable modifications are described later in this section of the Toolkit, with service type-specific scenarios discussed in the sections related to specific service types. FTA, in its transcript of [FTA ADA Circular 4710.1, Webinar 3: The ADA and Fixed Route Service Requirements \(February 17, 2016\)](#) document, gives the following examples of when policy, practice, or procedure modifications may be necessary for people based on their individual disabilities.

- A stop is obstructed by something like a parked car that prevents the driver from deploying the lift at that spot. The transit agency may need to modify their standard procedure and have the driver pull up a reasonable distance from that stop to deploy the lift or ramp, unless a direct threat is present or the modification would result in a fundamental alteration of service.

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- People may need assistance paying the fare if they don't have the strength or dexterity to swipe the smart card on the fare box. The transit agency may have a policy that drivers are not to touch fare media that will need to be modified to provide this type of assistance.
- The transit agency may have a “no shoes, no service” policy. There are many different scenarios where people with disabilities are not able to wear shoes. The transit agency would need to modify its policy to waive the shoes requirement for people who, because of a disability, do not wear shoes.

Provision of Service Requirements

U.S. DOT ADA regulations and requirements for maintaining the accessibility features of transit vehicles and facilities, lift and securement use, other service requirements, requirements to consider requests for reasonable modification, and training requirements [[Part 37, Subpart G, 37.161 - 37.167](#)].

Maintenance and Use of Accessible Features

- **General maintenance of accessibility features:** Transit providers must ensure that the accessibility features of their vehicles and facilities are maintained in operative condition so that they are usable by individuals with disabilities [[Section 37.161\(a\)](#)]. They must promptly repair accessibility features if they are damaged or out of order. If an accessibility feature is out of order, they must also take reasonable steps to accommodate individuals with disabilities who would otherwise use the feature [[Section 37.161\(b\)](#)]. Examples of this may include promptly dispatching a substitute accessible vehicle to a fixed route passenger who encounters an inoperative lift. They are also responsible for clearing obstructions that create accessibility barriers in areas directly controlled by the organization. An example of this is removing snow at bus stops over which the transit agency has direct control. For other bus stops and surrounding sidewalks, FTA encourages coordination with other public entities or private property owners; see [FTA ADA Circular 4710.1](#) Section 2.3.2, page 2-8.
- **Keeping vehicle lifts and ramps in operative condition:** Transit providers must create and follow a system of regular and frequent maintenance checks of lifts and ramps to determine whether the equipment is operative. Vehicle drivers must report any failure of a lift/ramp to operate in service as soon as possible. If there is a spare vehicle, the vehicle with the inoperative lift must be taken out of service before the beginning of the vehicle's next day of service and the lift must be repaired before the vehicle returns to service. If there is not a spare vehicle available, such that taking the vehicle out of service would reduce the transportation service the transportation provider is able to provide, the vehicle with the inoperative lift may be kept in service for no more than five days if the transit agency's service area has a population of 50,000 or less, and three days where the population exceeds 50,000. In cases where the inoperative lift is operating on a fixed route, and the headway to the next accessible vehicle on the route exceeds 30 minutes, the provider must promptly provide alternative transportation to individuals with disabilities who are unable to use the vehicle because its lift does not work [[Section 37.163](#)]. Note that this applies to public entities [[Section 37.163\(a\)](#)], as well as any private entity considered to be “standing in the shoes” of a public entity (including as Section 5311-funded service operated under contract) [[Section 37.23\(a\)](#)]. For ramp-equipped buses the driver will often be directed to deploy the

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ramp manually, so alternative transportation may not be needed. For additional discussion and suggested practices, see Section 6.2.1 of [FTA ADA Circular 4710.1](#). Additional information is found in the Inoperative Lift or Ramp on a Fixed Route Vehicle section of this Toolkit.

- **Lift and securement use:** If the lift and vehicle can accommodate a wheelchair and its occupant, the transit provider is required to transport the individual. The Accommodating Riders Using Mobility Devices section of this Toolkit discusses this requirement in more depth. The driver is not required to permit wheelchairs to ride in places other than designated securement locations, but an individual using a wheelchair cannot be denied transportation on the grounds that the device cannot be secured or restrained satisfactorily by the vehicle's securement system. The driver may recommend, but cannot require, that a user of a wheelchair transfer to a vehicle seat. The driver must assist individuals with disabilities who need or request assistance with the use of securement systems, ramps and lifts. If this requires vehicle drivers to leave their seat, they must do so. Transit providers must permit individuals with disabilities who do not use wheelchairs, including standees, to use a vehicle's lift or ramp to enter the vehicle [[Section 37.165 Lift and Securement Use](#)].

Other Service Requirements

[Section 37.167](#) outlines several additional service delivery requirements, some of which apply only to fixed route systems. The fixed route-only requirements are not included here, but instead are found in the [Fixed Route Requirements](#) section of the Toolkit. The requirements that apply to all drivers of public transit systems are summarized in this section. These requirements apply to both public and private entities.

For all public transit services, the following is required:

- Transit providers must permit service animals to accompany individuals with disabilities in vehicles and facilities [[Section 37.167\(d\)](#)]. The U.S. DOT regulatory definition of "service animal" [[Section 37.3](#)] is "any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items." Transportation providers must follow the U.S. DOT definition and not the U.S. Department of Justice (DOJ) definition, which is limited to dogs. Section 2.6 of [FTA ADA Circular 4710.1](#) provides guidance on service animals. Technical assistance information is also found in the [Service Animals](#) section of the Toolkit.
- Vehicle drivers and other personnel must make use of the accessibility-related equipment or features that are required to be installed in the vehicles by [49 CFR Part 37 Section 37.167\(e\)](#). These requirements are found in [Subpart B of 49 CFR Part 38](#). Chapter 4 of [FTA ADA Circular 4710.1](#) provides guidance on these requirements. They are briefly summarized in the [Vehicle and Facility Accessibility](#) section of the Toolkit.
- Service information must be available in accessible formats to individuals with disabilities [[Section 37.167\(f\)](#)]. This means that printed materials must be available, upon request, in accessible formats such as large print format, braille, or an accessible electronic file or on the agency's website. Online and other electronic information should be formatted to accommodate screen readers. Refer to Section 2.8 of [FTA ADA Circular 4710.1](#) for FTA

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guidance on accessible information. The [Rider Information](#) section of this Toolkit provides technical assistance information.

- Transit providers cannot refuse to permit a rider who uses a lift to disembark from a vehicle at any designated stop, unless:
 - The lift cannot be deployed.
 - The lift will be damaged if it is deployed.
 - Temporary conditions at the stop that are not under the control of the transit driver preclude the safe use of the stop by all riders [[Section 37.167\(g\)](#)].
- Transit drivers cannot prohibit an individual with a disability from traveling with a respirator or portable oxygen supply provided the devices are properly secured under [49 CFR subtitle B, chapter 1, subchapter C](#). U.S. DOT Office of Pipeline Safety and Hazardous Materials [[Section 37.167\(h\)](#)].
- Transit providers must ensure that individuals with disabilities have adequate time to complete boarding or disembarking from the vehicle [[Section 37.167\(i\)](#)].
- Drivers must ask individuals sitting in the priority seating area to relocate if an individual needs to use that priority seating because of a disability. Individuals occupying seats in the securement area, including other individuals with disabilities, must be asked to vacate the securement area if an individual using a wheelchair needs to use the securement area [[Section 37.167\(j\)](#)].

While many requirements apply to all agencies providing public transportation service, there are some requirements that are specific to the type of service(s) an organization provides. As noted earlier, service type-specific requirements for different service types are found in other sections of the Toolkit by name.

Reasonable Modification of Policies and Practices

Public transportation providers are required to make reasonable modifications to their policies, practices, and procedures to avoid discrimination and ensure programs and services are accessible to individuals with disabilities. The requirements to make reasonable modifications are found in Sections [37.5\(i\)](#) and [37.169](#). [Section 37.169](#) was added to the regulations with the publication of the [Reasonable Modification Final Rule](#), effective July 13, 2015.

As detailed in Subpart G, [Section 37.169 of 49 CFR Part 37](#), public entities must establish a process for accepting and considering requests for reasonable modification to policies and practices. The process must allow for requests to be made and determined in advance whenever feasible. Requests may be identified during the ADA complementary paratransit eligibility process, through customer service inquiries, or through the entity's complaint process. When an advanced request is not feasible, operating personnel (potentially in consultation with management) would be required to make a determination of whether the modification should be provided at the time of the request [[Section 37.169\(b\)](#)]. Requests for modification may be denied only based on one or more of these reasons:

- 1) Granting the request would fundamentally alter the nature of the transit agency's services, programs, or activities.

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- 2) Granting the request would create a direct threat to the health or safety of others.
- 3) Without the requested modification, the individual with a disability is able to fully use the entity's services, programs, or activities for their intended purpose [[Section 37.169\(c\)](#)].

In the event a request is denied, the transit agency is required to take other actions to ensure that the individual with a disability receives the services or benefit provided by the agency [[Section 37.169\(e\)](#)].

[Appendix E to Part 37](#), issued as part of the Reasonable Modification Final Rule, provides 27 examples of requests for modifications, and notes circumstances under which the requested modification would be considered a fundamental alteration of service or create a direct threat to the health or safety of others.

Training Requirements

All public and private organizations that operate fixed route or demand responsive systems must ensure that their personnel are trained to proficiency, as appropriate to their duties. They must be able to operate vehicles and equipment safely and properly assist individuals with disabilities using the service in a respectful and courteous way, with appropriate attention to the difference among individuals with disabilities [[Section 37.173](#)]. As noted in Section 2.9.1 of [FTA ADA Circular 4710.1](#), in addition to driver training, relevant training also includes training maintenance staff, customer service personnel, dispatchers, managers, and supervisors. FTA recommends regular refresher training (including on new vehicles) and encourages transit agencies to collaborate with local disability organizations for assistance with employee training.

Providing respectful and courteous customer service for people with disabilities is discussed in the [Rider Assistance and Customer Service](#) section of this Toolkit. [National RTAP eLearning ADA Driver Training](#) is also a valuable resource for public transportation providers.

Complaint Process Requirements

Public transportation providers are required to designate an employee to coordinate ADA compliance and to have procedures in place specifically to address complaints alleging ADA violations. The requirements for a transit agency's ADA complaint process are found in [49 CFR Part 37, Section 37.17](#), Designation of responsible employee and adoption of complaint procedures. Transit agencies are required to designate at least one person to coordinate its efforts to comply with [49 CFR Part 37](#). Many agencies designate this individual as the "ADA Coordinator." Transit agencies are also required to adopt complaint procedures that incorporate appropriate due process standards and provide for resolution of complaints alleging actions prohibited by [49 CFR Parts 27, 37, 38 and 39](#).

The transit agency must advertise to the public (such as on the agency's website) the process for filing a complaint. The ADA complaint procedures must be accessible to and usable by individuals with disabilities (see the [Rider Information](#) section of this Toolkit for information on making information accessible). When an ADA complaint is received, the transit agency must promptly communicate its response to the complaint allegations, including its reasons for the response, to the complainant, and document the response [Section 37.17](#). Under [Section 504 of the Rehabilitation Act of 1973](#), agencies receiving federal funding are required to retain all detailed documentation for one

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year, and save a summary of all ADA complaints for five years [[49 CFR Part 27, Subpart C, Section 27.121](#)]. See Section 12.7 of [FTA ADA Circular 4710.1](#) for additional guidance on complaint process requirements.

The [FTA TTP Assessment Manual Fiscal Year 2023](#), Americans with Disabilities Act (ADA) section also provides direction to Tribal Transit Program (TTP) recipients on how to track, resolve, and respond to ADA-related complaints.

Section Sources

- [49 CFR Part 37 - Transportation Services for Individuals with Disabilities \(ADA\)](#), including [Appendix E](#)
- [FTA Circular 4710.1, Americans with Disabilities Act \(ADA\): Guidance](#)

Fixed Route Bus Requirements

This section of the Toolkit summarizes the U.S. DOT regulatory requirements that apply to fixed route bus service. The regulatory requirements that apply to fixed route bus service are articulated in Chapter 6 of [FTA ADA Circular 4710.1](#). This section of the Toolkit is organized in the following subsections:

- What is Fixed Route Service?
- General Requirements
- Requirements and Considerations Specific to Fixed Route Services
 - Accessible Vehicles
 - Maintenance of Accessibility Equipment
 - Inoperative Lift or Ramp on a Fixed Route Vehicle
 - Rider Assistance and Use of Accessibility Equipment
 - Route Identification
 - Stop Announcements
 - Access to Priority Seating and Securement Areas
 - ADA Complementary Paratransit
 - Accessibility of Bus Stops and Surrounding Pedestrian Environment
 - Rider Information and Travel Training
- Section Sources

The information presented in this section is based on the U.S. Department of Transportation (U.S. DOT) regulations: [49 CFR Part 37- Transportation Services for Individuals with Disabilities \(ADA\)](#) and [FTA Circular 4710.1, Americans with Disabilities Act \(ADA\): Guidance](#).

[Click here](#) to download a sample ADA policy template for a rural transit system that operates fixed route service.

What is Fixed Route Service?

In [49 CFR Part 37, Section 37.3](#), a fixed route system is defined as “a system of transporting individuals (other than by aircraft), including the provision of designated public transportation service by public entities and the provision of transportation service by private entities, including, but not limited to, specified public transportation service, on which a vehicle is operated along a prescribed route according to a fixed schedule.” In other words, if a public or private system transports the general public on a regular basis on vehicles that travel a designated route on a fixed schedule, the agency operates fixed route service.

Importantly, if a private entity is providing transportation services under contract or other arrangement or relationship (including a grant, subgrant, or cooperative agreement) with a public

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entity, the private entity must abide by the regulations that apply to the public entity as if the public entity were directly operating the service [[Section 37.23](#)]. The private entity is regarded as “standing in the shoes” of the public entity. In essence, FTA grantees and subrecipients must comply with the ADA requirements for public entities for the FTA-funded service, as must private contractors operating FTA-funded service.

For more information, please see the full U.S. DOT, Disability Law Guidance document: [Paratransit Requirements for Section 5311-Funded Fixed-Route Service Operated by Private Entities](#).

Commuter Bus Service

Commuter bus service is a subset of fixed route bus service, and must follow all of the fixed route service requirements, with one exception: Under [49 CFR Section 37.121\(c\)](#), commuter bus is not subject to the requirements for ADA complementary paratransit service. As defined in Section 37.3, commuter bus service is characterized by service predominantly in one direction during peak periods, limited stops, use of multi-ride tickets, and routes of extended length, usually between the central business district and outlying suburbs. Commuter bus service may also include other service, characterized by a limited route structure, limited stops, and a coordinated relationship to another mode of transportation. As noted in [Appendix D to 49 CFR Section 37.3](#), typical characteristics for commuter bus also include no attempt to comprehensively cover a service area, limited origins and destinations, and limited purposes of travel. These characteristics can be found in some transportation systems other than bus systems oriented toward work trips, such as bus service that is used as a dedicated connector to commuter or intercity rail service.

The stop announcement requirements described under [Section 37.167\(b\)](#) for fixed route systems apply to commuter bus service. See Stop Announcements in the section below.

In some situations, a service referred to by a transit agency as "commuter" does not meet the U.S. DOT definition of commuter service, but would meet the definition of fixed route service, and would thus require ADA complementary paratransit.

General Requirements

Before reviewing the requirements specific to fixed route service, readers should review the ADA requirements that apply to all service types, found in the [General Requirements for All Service Types](#) section of this Toolkit.

Requirements and Considerations Specific to Fixed Route Services

The following requirements and considerations apply specifically to fixed route bus service.

Accessible Vehicles

On a fixed route, all vehicles must be accessible to and usable by persons with disabilities, including wheelchair users [[Subpart D, Sections 37.71, 37.73, and 37.75](#)], and accessibility equipment must be in good working order [[Subpart G, Sections 37.161 and 37.163](#)]. Since 1991, [Subpart D of 49 CFR Part 37](#) has required that all non-rail vehicles acquired by public entities for use in fixed route systems be accessible.

If a transit agency is unable to acquire an accessible used bus after a good faith effort meeting the regulatory requirements found in [49 CFR, Subpart D, Section 37.73\(c\)](#), or receives an inaccessible

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bus as a donation with FTA approval [[Appendix D to 49 CFR 37.73](#)], an inaccessible used vehicle is permitted to be acquired for fixed route service [[Section 37.73](#)]. The requirements for what constitutes good faith efforts are detailed in [49 CFR Section 37.73\(c\)](#) and [Appendix D to 49 CFR 37.73](#). The regulations require good faith efforts to include at least the following steps:

- (1) An initial solicitation for used vehicles specifying that all used vehicles are to be lift-equipped and otherwise accessible to and usable by individuals with disabilities, or, if an initial solicitation is not used, a documented communication so stating;
- (2) A nationwide search for accessible vehicles, involving specific inquiries to used vehicle dealers and other transit providers; and
- (3) Advertising in trade publications and contacting trade associations.

Section 4.2.2 of [FTA ADA Circular 4710.1](#) includes discussion on what would constitute a good faith effort.

A transit agency may not acquire an inaccessible remanufactured vehicle (or remanufacture an existing vehicle) unless an engineering analysis demonstrates that including the required accessibility features would have a significant adverse effect on the structural integrity of the vehicle [[Section 37.75\(c\)](#)].

The accessibility standards for buses and vans, detailed in [Subpart B of 49 CFR Part 38](#), are presented in Section 4.2 of [FTA ADA Circular 4710.1](#) and summarized in the [Standards for Vehicles and Facilities](#) section of this Toolkit.

Vehicles of Historic Character

An exception can be made for remanufactured vehicles of historic character under extremely limited circumstances. Vehicles of historic character must be operated solely on a route that is included on the National Register of Historic Places [[Section 37.75\(d\)](#)], in order to be qualified for this exception. Such vehicles are only required to have those modifications to make the vehicle accessible which do not alter the historic character of the vehicle. A transit agency seeking to qualify for this exception should apply in writing to the FTA Administrator. See [49 CFR Section 37.75](#) and Section 4.2.3 of [FTA ADA Circular 4710.1](#) for details on exemptions for remanufactured vehicles.

Maintenance of Accessibility Equipment

As described in the [General Requirements for All Service Types](#) section of this Toolkit, transit agencies are required to keep vehicle lifts and ramps and other accessibility equipment in operative condition [[Section 37.161\(a\)](#)]. A recommended practice is for fixed route drivers to cycle the lift or ramp as part of the daily pre-trip inspection.

Other equipment required on fixed route buses, including the wheelchair securement systems, the public address system, and any kneeling feature needed to achieve a compliant ramp slope, also needs to be maintained in operative condition, so that this equipment is readily accessible to and usable by individuals with disabilities [[Section 37.161](#)].

Inoperative Lift or Ramp on a Fixed Route Vehicle

In the event a vehicle with an inoperative lift is operating on a fixed route, and the headway to the next accessible vehicle on the route exceeds 30 minutes, the transit agency must promptly (i.e., within 30 minutes) provide alternative transportation to individuals with disabilities who are unable to use the vehicle because its lift does not work [[Section 37.163\(f\)](#)]. If the bus lift is not working, the rider can wait for the next vehicle if its scheduled arrival is 30 minutes or less. The driver must contact

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the supervisor to arrange for a ride if the headway (wait for the next bus) is longer than 30 minutes. The transportation provider should promptly (i.e., within 30 minutes) send out an accessible vehicle to pick up the rider if the wait for the next bus will be longer than 30 minutes, and if the reason for the bypass is malfunctioning accessibility equipment [[Section 37.163\(f\)](#)].

For ramp-equipped buses, the driver will often be directed to deploy the ramp manually, so alternative transportation may not be needed. For additional discussion and suggested practices, see Section 6.2.1 of [FTA ADA Circular 4710.1](#).

Transit agencies must remove the vehicle with the inoperative lift from service before the beginning of the vehicle's next day of service and the lift must be repaired before the vehicle returns to service [[Section 37.163\(d\)](#)].

If a spare vehicle is not available to take the place of the vehicle with an inoperative lift, such that putting the latter vehicle into the shop would result in a reduction of service to the public, a transit agency may continue to operate the vehicle with the inoperative lift in service for no more than five days if the transit agency's service area has a population of 50,000 or less, or three days where the population exceeds 50,000 [[Section 37.163\(e\)](#)].

[Rider Assistance and Use of Accessibility Equipment](#)

The sections of this Toolkit on [General Requirements for All Service Types](#) and [Accommodating Riders Using Mobility Devices](#) discuss requirements for all service types in accommodating riders with disabilities.

As required for all service types, transit personnel are required to make use of accessibility equipment [[Section 37.167\(e\)](#)], and assist people with disabilities with the use of securement systems, ramps and lifts, even if drivers need to leave their seats [[Section 37.165\(f\)](#)]. If buses are equipped with a "kneeling" feature, which allows the front of the bus to be lowered so that the bottom step is closer to the curb, transit agencies adopt policies that require drivers to use this feature for individuals who may have difficulty stepping on or off the bus due to a disability, as recommended in [Section 6.5.1 of FTA ADA Circular 4710.1](#). Use of the kneeling feature may also be necessary in order to achieve the required ramp slope [per [49 CFR Section 38.23\(c\)\(5\)](#)], including in situations when the ramp must be deployed on the street rather than on the sidewalk. Transit providers must permit individuals with disabilities who do not use wheelchairs, including standees, to use a vehicle's lift or ramp to enter the vehicle [[Section 37.165](#)].

Fixed route bus drivers are required to assist people with disabilities with boarding the bus. As stated in [49 CFR, Subpart G, Part 37 Section 37.165\(f\)](#), "where necessary or upon request, the entity's personnel shall assist individuals with disabilities with the use of securement systems, ramps and lifts. If it is necessary for the personnel to leave their seats to provide this assistance, they shall do so."

Transit agencies must ensure that adequate time is provided to allow individuals with disabilities to complete boarding or disembarking from the vehicle [[Section 37.167\(i\)](#)]. A recommended practice when planning fixed route schedules is to build extra time (often referred to as recovery time) into the schedule to accommodate the occasional need for extra boarding time, as well as for other potential delays, such as traffic congestion or inclement weather.

Fixed Route Bus Requirements

Route Identification

If a system has stops that serve more than one bus line, the transit agency must provide riders with a vision impairment or other disability a means of identifying which bus has arrived. Alternately, riders could be given means to identify themselves as seeking a ride on a particular route at each shared stop [[Section 37.167\(c\)](#)]. External route identification announcements can be automated or spoken by the driver to riders waiting at the stop. The DREDF [Topic Guide on Stop Announcements and Route Identification](#) recommends announcing both the bus line and the destination to ensure that the rider can board the correct bus going in the desired direction. TCRP Report 163, [Strategy Guide to Enable and Promote the Use of Fixed-Route Transit by People with Disabilities](#), recommends that a transit agency's policy "direct drivers always to stop if there are waiting riders, regardless of whether or not they signal for the bus. Vehicle drivers need to come to a complete stop, open the door, and make a route announcement" (page 37). The announcement needs to be audible to waiting riders. External speakers and automated external announcement systems can also be helpful.

Stop Announcements

Just as external announcements can be used to identify the bus line and destination, it is required that internal announcements (on board the vehicle) be made to inform riders of upcoming stops. These announcements must be made at least at transfer points with other fixed routes, other major intersections and destination points, and intervals along a route sufficient to permit individuals with visual impairments or other disabilities to be oriented to their location. Additionally, any stop requested by an individual with a disability must be announced [[Section 37.167\(b\)](#)]. As recommended in the DREDF [Topic Guide on Stop Announcements and Route Identification](#), announcements should be made in advance of the stop, and they should follow a standard format. For example, as a best practice, the street the bus is traveling on should always be announced before the street it intersects.

This obligation can be met by requiring bus drivers to announce stops or by using an automated stop announcement system on board the vehicle. If the vehicle is equipped with an on-board public address (P.A.) system, which is required for vehicles over 22 feet in length under [49 CFR Section 38.35](#), the bus driver should use the P.A. system since the announcements need to be audible to be useful. It is recommended that the disability community and bus drivers be consulted when deciding what stops to announce to ensure the effectiveness of the system. [Section 6.6 of FTA ADA Circular 4710.1](#) provides additional guidance on recommended practices. Section 4.2 of TCRP Report 163, [Strategy Guide to Enable and Promote the Use of Fixed-Route Transit by People with Disabilities](#), provides additional tips for transit agencies on stop announcements.

The stop announcement requirements described under [49 CFR Section 37.167\(b\)](#) for fixed route systems apply to commuter bus service. By definition in [49 CFR Part 37 Section 37.3](#), commuter bus service is a fixed route service. Although the ADA Complementary Paratransit requirements for other types of fixed route systems do not apply to commuter bus service [[Section 37.121\(c\)](#)], commuter bus service is not exempt from the stop announcement requirements. These requirements are discussed in Section 6.6 of [FTA ADA Circular 4710.1](#).

Access to Priority Seating and Securement Areas

Riders who use wheelchairs need access to securement areas on a vehicle in order to ride. Riders with other disabilities may need use of priority seating in order to ride. Under [49 CFR Section 37.167\(j\)](#), when an individual with a disability enters a vehicle, and because of a disability, the individual needs to sit in a seat or occupy a wheelchair securement location, the transit agency is

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required to ask other individuals to move in order to allow the individual with a disability to occupy the seat or securement location. Drivers must ask that individuals sitting in the priority seating area relocate if an individual needs to use that priority seating because of a disability. Individuals sitting on a fold-down or other movable seat in a wheelchair securement location, including other individuals with disabilities, must be asked to vacate the securement area if an individual using a wheelchair needs to use the securement area [[Section 37.167\(j\)](#)]. The transit agency has an obligation to ask the person in the priority seat or seating in the securement area to move, but is not required to enforce the request if the other individual(s) refuse. Individuals with “hidden” disabilities may need priority seating. [Section 6.3 of FTA ADA Circular 4710.1](#) provides additional information about this requirement.

In addition to posting the signage required at priority seating and securement locations (summarized in the [Vehicle and Facility Accessibility](#) section of this Toolkit), transit agencies can raise awareness of the importance of offering a seat to those who need it as part of any instructions they provide to the general public about how to use the service, and posting additional signage encouraging riders to offer a seat if they are able. Transit agencies may also elect not to install seating in securement areas.

On fixed route bus service, an ADA-related capacity consideration is the number of wheelchair securement positions on the vehicle, and whether or not the transit agency is able to transport all riders who need these positions during peak hours. Under [49 CFR Part 38](#), buses longer than 22 feet must have at least two securement locations, and smaller vehicles must have at least one (see the [Vehicle and Facility Accessibility](#) section of this Toolkit for more information on vehicle requirements). Some transit agencies have found that the demand for fixed route service by riders who use wheelchairs and other mobility devices exceeds the two-wheelchair minimum requirement on fixed route buses, and procure vehicles with more wheelchair securement positions. For example, as described on pages 28-29 of TCRP Report 163, [Strategy Guide to Enable and Promote the Use of Fixed-Route Transit by People with Disabilities](#), Corpus Christi Regional Transportation Authority in Texas procures buses with capacity for three wheelchairs.

ADA Complementary Paratransit

Public entities that operate fixed route service are required to provide complementary paratransit service to individuals whose disabilities prevent them from using the fixed route system [[Section 37.121](#)]. The exception to this is commuter bus service, which is defined earlier in this section of the Toolkit.

Complementary paratransit service requirements are found in [Subpart F of 49 CFR Part 37](#); additional information can be found in [Chapter 8 of FTA ADA Circular 4710.1](#). This Toolkit includes a section about the [ADA Complementary Paratransit](#) requirements.

Accessibility of Bus Stops and Surrounding Pedestrian Environment

When constructing or altering a bus stop (or other transportation facility), a transit agency is required to ensure that the new or altered facility is accessible to people with disabilities [[Section 37.41](#)]. U.S. DOT [Standards for Transportation Facilities](#) provides specific requirements for bus boarding and alighting areas in [Section 810.2](#). The ADA standards for bus stops and other transportation facilities are also discussed in the [Vehicle and Facility Accessibility](#) section of this Toolkit.

[Section 2.3.2 of FTA ADA Circular 4710.1](#) notes that transit agencies are also responsible for clearing obstructions that create accessibility barriers in areas directly controlled by the transit

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agency's organization. An example of this is removing snow at bus stops over which the transit agency has direct control. For other bus stops and surrounding sidewalks, FTA encourages coordination with other public entities or private property owners. A resource on this topic is [Effective Snow Removal for Pathways and Transit Stops](#).

Inaccessibility of a bus stop and surrounding pedestrian environment can impact demand for ADA complementary paratransit for a rider who could otherwise use the fixed route service. It is often more cost-effective to make and keep the bus stop and sidewalk accessible than to provide ADA paratransit on an ongoing basis. Improving the accessibility of the built environment also improves mobility for not only riders with disabilities, but also for many other riders, including those who are pushing strollers, pulling wheeled luggage, etc. Additional discussion on and resources for improving bus stop and pedestrian pathway accessibility is found in the [Vehicle and Facility Accessibility](#) section of this Toolkit.

Flag Stop Considerations

Some rural transit systems allow riders to request “flag stops” instead of, or in addition to, fixed stops. An example of a flag stop policy is to allow drivers to have discretion to stop the bus to pick up or drop off riders at any location requested by a rider. In addition to potential safety concerns, rider misunderstandings, and potential inconsistencies from one driver to the next, flag stops can present added challenges to riders with disabilities. Riders with vision impairments may not realize a bus is approaching until it is too late to signal to the driver that they wish to board. Other riders may see an approaching bus, but be unable to signal the driver, because they lack the ability to raise their arms. Flag stops are only recommended in very rural areas as a supplement to fixed stops. Operating on a flag stop basis without also serving fixed stops could result in some riders with some types of disabilities being unable to effectively utilize the service, necessitating ADA complementary paratransit for these riders. Transit agencies that permit flag stops should require drivers to stop for any individual waiting along the side of the road who is using a mobility device, holding a white cane, or accompanied by a service animal. A recommended practice for transit agencies that have no fixed stops is to encourage all riders to telephone the dispatcher in advance to request a pick-up at a specific location along the route, and the dispatcher can then alert the driver of requested pick-ups.

It should be noted that fixed route bus service with flag stops is still fixed route bus service. As discussed in [Appendix D to 49 CFR Section 37.3](#), the need for a rider to interact with the transit system to obtain a ride by flagging down the bus does not make an otherwise fixed route bus service demand responsive.

Reasonable Modification of Fixed Route Policies

Appendix E to [49 CFR Part 37](#) provides a series of examples of reasonable modifications that fixed route riders with disabilities could request. (The requirement to consider reasonable modification requests is summarized in the [General Requirements for All Service Types](#) section of this Toolkit.) Two of the examples are related to fixed route bus stops. If snow or icy conditions at a bus stop make it difficult or impossible for a fixed route passenger with a disability to get to a lift, or for the lift to deploy, the driver should move the bus to a cleared area for boarding, if such is available within reasonable proximity to the stop. Likewise, a rider's request for a fixed route bus driver to position the vehicle to avoid obstructions at a designated stop location, such as parked cars, snow banks, and construction, should be granted so long as positioning the vehicle to avoid the obstruction does not pose a direct threat to safety. To be granted, such a request should result in the

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vehicle stopping in reasonably close proximity to the designated stop location. (However, fixed route providers would not be required to establish flag stop or route deviation policies, as these would be fundamental alterations to a fixed route system rather than reasonable modifications of a system.)

Rider Information and Travel Training

Accessibility of the information provided on how to use the fixed route service can impact a rider's ability to effectively navigate the system (which in turn impacts ADA complementary paratransit). The [Rider Information](#) section of this Toolkit discusses this aspect of transit accessibility. [FTA ADA Circular 4710.1](#) notes that FTA encourages transit agencies to establish travel training programs that promote the use of fixed route services for individuals who have the ability to use the fixed route for a portion of their trips [[Section 9.2.2](#)]. (Note, however, travel training cannot be required as part of the paratransit eligibility process; eligibility is determined based on the applicant's current abilities.)

As explained in National RTAP's [Travel Training Best Practices Spotlight](#) article, travel training can give new riders the skills to read route maps and schedules, locate bus stops, flag down buses, calculate and pay fares, obtain and use transit passes, recognize when the desired stop has been reached, indicate to the bus driver to stop, use mobility devices safely on vehicles, and more. Resources for developing travel training programs include the [Association for Travel Instruction](#), [Easterseals Project Action Consulting](#), and the [National Aging and Disability Transportation Center](#).

Section Sources

- [49 CFR Part 37- Transportation Services for Individuals with Disabilities \(ADA\)](#)
- [DREDF Topic Guide on ADA Transportation, Topic Guide 2, Route Identification](#)
- [DREDF Topic Guide on ADA Transportation, Topic Guide 2, Stop Announcements](#)
- [Federal Register Notice, Vol. 80, No. 49, Friday, March 13, 2015](#)
- [FTA Circular 4710.1, Americans with Disabilities Act: Guidance](#)
- [National RTAP Travel Training Best Practices Spotlight article](#)
- [Thatcher, Russell, Caroline Ferris, David Chia, Jim Purdy, Buffy Ellis, Beth Hamby, Jason Quan, and Marilyn Golden. TCRP Report 163, Strategy Guide to Enable and Promote the Use of Fixed-Route Transit by People with Disabilities](#)

Demand Response Requirements

[Chapter 7 of Federal Transit Administration \(FTA\) Circular 4710.1, Americans with Disabilities Act \(ADA\): Guidance](#) discusses the U.S. DOT regulations that apply to demand response service. The requirements for demand response services are summarized in this section of the Toolkit.

This section of the ADA Toolkit is organized in the following subsections:

- What is Demand Response Service?
- General Requirements
- Demand Response Specific Requirements
 - Vehicles Used in Demand Response Service
 - Equivalent Service Standards
 - Integration of On-Demand Service with Fixed Route and ADA Complementary Paratransit
 - Shared Mobility - Contracting Service from Taxi Providers and Transportation Network Companies
- Section Sources

The information presented in this section is based on the U.S. Department of Transportation (U.S. DOT) regulations: [49 CFR Part 37- Transportation Services for Individuals with Disabilities \(ADA\)](#) and [FTA ADA Circular 4710.1](#).

[Click here](#) to download a sample ADA policy template for a rural transit system that operates demand response service.

What is Demand Response Service?

According to U.S. DOT ADA regulations, demand responsive services are defined as any services transporting individuals which is not a fixed route service [[49 CFR Part 37, Section 37.3](#)]. In this Toolkit, the expression “demand response service” is used to refer to what U.S. DOT regulations refer to as a “demand responsive system.” As described in Section 7.1 of [FTA ADA Circular, 4710.1](#), demand responsive services encompass a wide variety of service types, including traditional dial-a-ride service, taxi subsidy service, vanpool service, and route deviation service. In the context of the U.S. DOT ADA regulations, demand responsive service does not include paratransit, which is discussed elsewhere in [FTA ADA Circular 4710.1](#).

U.S. DOT ADA regulations do not require eligibility determination for demand response services. Eligibility policies for demand response services can be determined at the local organization level. Sometimes funding sources will limit eligibility or require that the service be open to the general public. Locally-determined policies must not be discriminatory (for example, wheelchair users must be able to use the service in a manner equivalent to ambulatory individuals).

Demand Response Requirements

Note that the definition of demand response in FTA's [National Transit Database \(NTD\) Glossary](#) is different from the definition of a demand responsive service in the ADA regulations. The NTD defines demand response transit as:

A transit mode comprised of passenger cars, vans or small buses operating in response to calls from passengers or their agents to the transit driver, who then dispatches a vehicle to pick up the passengers and transport them to their destinations. A demand response (DR) operation is characterized by the following:

- The vehicles do not operate over a fixed route or on a fixed schedule except, perhaps, on a temporary basis to satisfy a special need, and
- Typically, the vehicle may be dispatched to pick up several passengers at different pick-up points before taking them to their respective destinations and may even be interrupted en route to these destinations to pick up other passengers. The following types of operations fall under the above definitions provided they are not on a scheduled fixed route basis:
 - Many origins - many destinations
 - Many origins - one destination
 - One origin - many destinations
 - One origin - one destination

See [Demand Response](#) and [Fixed Schedule Service](#) in the [Operations and Planning section of the Transit Manager's Toolkit](#).

General Requirements

Before reviewing the requirements specific to demand response service, readers are advised to review the general requirements for ALL service types that are summarized in the [General Requirements](#) section of this Toolkit.

Demand Response Specific Requirements

Vehicles Used in Demand Response Service

All vehicles acquired for use in providing demand response service must be accessible to and usable by individuals with disabilities, including wheelchair users (see [49 CFR Part 38](#)). Inaccessible vehicles may only be acquired for demand-responsive service if the service, when viewed in its entirety, provides equivalent service to individuals with disabilities, including individuals who use wheelchairs, according to specific regulatory standards.

Equivalent Service Standards

If inaccessible vehicles are acquired for demand-responsive service, the service provided to individuals with disabilities must be equivalent to the service provided to other individuals with respect to the following service characteristics [[Section 37.77\(c\)](#)]:

- Response time
- Fares
- Geographic service area

Demand Response Requirements

- Hours and days of service
- Restrictions or priorities based on trip purpose
- Availability of information and reservation capability
- Any constraints on capacity or service availability

The transit agency must demonstrate equivalency according to these criteria prior to any acquisition of inaccessible vehicles. While the standard FTA certifications and assurances contain an equivalent service certification form, transit agencies must be able to provide proof of service equivalency upon request (such as during a triennial review or other compliance review conducted by FTA or the State DOT).

Integration of On-Demand Service with Fixed Route and ADA Complementary Paratransit

On-demand service to the general public is covered by ADA requirements. All vehicles must be accessible to and usable by persons with disabilities, including wheelchair users, unless the service, when viewed in its entirety, provides equivalent service to persons with disabilities according to specific regulatory criteria that include fares, response time, service area, and hours and days of service. Service provided under contract or other arrangement or relationship with a private entity, including a grant, subgrant, or cooperative agreement, must meet the same regulatory requirements as service provided directly by the public entity. This means that if a rider can reserve an on-demand trip using a service operated under any kind of arrangement between a public entity, such as a transit agency, and a private entity, such as a taxi operator or transportation network company (TNC), the same service must be available on the same basis to persons with disabilities, including wheelchair users.

The same is true of fixed route services. Some transit agencies have entered into arrangements with private operators to provide what amounts to flag-stop service, where the vehicles follow a fixed route but stop to pick up riders only when requested by a rider via an app. Public operators of fixed route service must ensure that all vehicles are accessible to and usable by persons with disabilities, including wheelchair users; therefore, any such service provided under contract or other arrangement or relationship must also consist of only accessible vehicles. [Appendix D](#) to the DOT ADA regulations makes it clear that the existence of an interaction with a rider to obtain service, such as flagging down a bus to board, does not render an otherwise fixed route demand-responsive. See *Commingled Fixed Route and Paratransit Service* under the Route Deviation section of this Toolkit.

In some cases, transit operators are engaging the services of private entities such as transportation network companies (TNCs) or taxi operators to supplement their ADA complementary paratransit service. Again, the requirements applicable to the public entity would apply. Some transit operators use these services to provide paratransit service on a real-time basis. While this is expressly permitted under the ADA, it is important to understand that real-time service must be provided to all paratransit riders using the service, not just to ambulatory riders. Wheelchair users and others who require an accessible vehicle must be provided with the same level of service.

Shared Mobility - Contracting Service from Taxi Providers and Transportation Network Companies

Some transit agencies contract for some or all of their demand response services with taxi providers, transportation network companies (TNCs) such as Lyft and Uber, or other private operators. If an

Demand Response Requirements

agency relies on external transportation providers to provide any portion of their demand response services, the agency needs to ensure that individuals with disabilities are provided with an equal level of access based on the seven service characteristics (equivalent service standards) listed in [Section 37.77\(c\)](#) and referenced above. This could be achieved by requiring the contracted private provider to provide equivalent accessible service (e.g., requiring a taxi provider to operate an adequate number of accessible vans as part of the contract), by the transit agency providing its own accessible service, or contracting with another entity.

U.S. DOT has issued guidance specific to using taxis and TNCs to provide part of a transit agency's services. A [“Dear Colleague” letter on shared mobility](#) issued by U.S. DOT on December 5, 2016 affirms that transit agencies that rely on external transportation providers to provide any portion of their demand response services need to ensure that people with disabilities are provided with an equal level of access based on the seven required operating characteristics. FTA has published to its website [frequently asked questions on shared mobility guidance and ADA](#).

See [TCRP Report 188: Shared Mobility and the Transformation of Public Transit](#) for an examination of the relationship between public transportation (demand-responsive transit and complementary ADA paratransit) and shared modes, including TNCs and microtransit.

Section Sources

- [49 CFR Part 37- Transportation Services for Individuals with Disabilities \(ADA\), including Appendix D](#)
- [49 CFR Part 38- Americans with Disabilities \(ADA\) Accessibility Specifications for Transportation Vehicles](#)
- [Feigon, Sharon and Colin Murphy, TCRP Research Report 188, Shared Mobility and the Transformation of Public Transit](#)
- [FTA Circular 4710.1, Americans with Disabilities Act: Guidance](#)
- [FTA Frequently Asked Questions on ADA and Shared Mobility](#)
- [U.S. DOT, “Dear Colleague” Letter on shared mobility, December 5, 2016](#)

Route Deviation Service Requirements

This section of the Toolkit discusses aspects of route deviation service that should be considered in light of ADA compliance, and is organized in the following subsections:

- Characteristics of Route Deviation Service
- General Requirements
- Route Deviation Service for the General Public
 - Vehicle Accessibility
 - Equivalent Service Standards
 - Ensuring Nondiscrimination in Route Deviations
- Commingled Fixed Route and Paratransit Service
- Section Sources

The information presented in this section is based on the U.S. Department of Transportation (DOT) regulations in [49 CFR Part 37- Transportation Services for Individuals with Disabilities \(ADA\)](#) and the [FTA Circular 4710.1, Americans with Disabilities Act \(ADA\): Guidance](#).

[Click here](#) to download a sample ADA policy template for a rural transit system that operates route deviation service.

Characteristics of Route Deviation Service

Route deviation is also referred to as deviated route, deviated fixed route, flexible route, or flex route service. Route deviation service can be a way to stretch limited resources in areas of low population and this type of service is frequently operated in rural areas.

As described in Section 7.5.4 of [FTA ADA Circular 4710.1](#), route deviation service operates along established routes that typically have designated stops. Between these stops, vehicles deviate from an established route to pick up or drop off riders within a defined off-route service area. The circular also notes that riders are typically asked to call in advance to request off-route pickups.

For the purpose of ADA regulations, transit systems are considered to be either fixed route or demand responsive systems [[Section 37.3](#)]. While some systems are clearly one or the other, systems that provide route deviation service can be harder to categorize. [Appendix D to 49 CFR 37.3](#) states that U.S. DOT would regard a system that permits user-initiated deviations from routes or schedules as demand-responsive. This distinction is important, because demand-responsive service is not subject to the requirement for complementary paratransit service.

In order to be considered demand-responsive, a route deviation system must deviate in response to a request from any rider.

Some rural transit agencies operate route deviation service that does not deviate for all riders. A route deviation service that does not deviate for all riders is not demand-responsive service within the context of the U.S. DOT ADA regulations. Unless the route deviates for any rider, it is not demand responsive and therefore subject to the requirements for a fixed route system, including the provision of ADA complementary paratransit service. The U.S. DOT ADA regulations do not prohibit commingling (combining) ADA complementary paratransit and fixed route riders on the

Route Deviation Service Requirements

same vehicle (i.e., commingled service). However, as discussed in Section 7.5.4 of [FTA ADA Circular 4710.1](#) and later in this section of the Toolkit, commingled fixed route bus service and complementary paratransit service using the same vehicle is difficult to implement.

See Flexible Route Service (Route Deviation) in the [Operations and Planning, Flexible Route section of the Transit Manager's Toolkit](#).

General Requirements

All readers are advised to review the general requirements for ALL service types that are summarized in the [General Requirements](#) section of this Toolkit.

Route Deviation Service for the General Public

As with all demand response services, the requirement is that all vehicles used in route deviation service are accessible to and usable by persons with disabilities, including wheelchair users. Inaccessible vehicles may only be used as long as the system, when viewed in its entirety, provides an equivalent level of service for its riders with disabilities for seven specific service characteristics (listed below and described in more detail in the [Demand Response Requirements](#) section of this Toolkit).

Vehicle Accessibility

Vehicles purchased for demand responsive systems must be accessible (i.e., comply with [49 CFR Part 38](#), as described in the [Vehicle and Facility Accessibility](#) section of this Toolkit) unless the system, when viewed in its entirety, provides an equivalent service to individuals with disabilities, including individuals who use wheelchairs, is provided in the most integrated setting appropriate to the needs of the individual with respect to the service characteristics listed in the next section [Section 37.77(c)].

As noted in Section 7.5.4 of [FTA ADA Circular 4710.1](#), typically, all vehicles used in route deviation service are accessible, as it would be difficult to provide equivalent service with a mixed fleet. Riders needing accessible vehicles would not have the same ability to catch the next bus at a scheduled stop if only certain runs were provided with accessible vehicles.

Equivalent Service Standards

Service provided to individuals with disabilities, including individuals who use wheelchairs, must be equivalent to the service provided to other individuals in the following ways [[Section 37.77\(c\)](#)]:

- Response time
- Fares
- Geographic service area
- Hours and days of service
- Restrictions or priorities based on trip purpose
- Availability of information and reservation capability
- Any constraints on capacity or service availability

Ensuring Nondiscrimination in Route Deviations

In order to be considered demand responsive service, a transit agency also needs to advertise the availability of route deviations (e.g., including the information on schedules and in other public information)—and to provide the requested deviations as advertised. [FTA ADA Circular 4710.1](#) notes that designating services as route deviation in plans and other documents, but not advertising them as such, would be considered a discriminatory practice.

The circular also noted that it would be discriminatory to establish restrictive policies for deviations that would significantly limit the use of the service by individuals with disabilities who are not able to get to and from designated stops. Examples include charging excessive surcharges for deviations, establishing overly restrictive areas within which riders can request deviations, limiting deviations to only certain trip purposes, and unreasonably capping the number of permitted deviations.

Commingled Fixed Route and Paratransit Service

It may be possible to provide fixed route and ADA complementary paratransit service using the same vehicle through a form of route deviation service, though this can be difficult. This type of service is referred to as commingled service in Section 7.5.4 of [FTA ADA Circular 4710.1](#). Under such a scenario, the transit agency would provide fixed route service, but deviate for paratransit-eligible persons with disabilities according to the service criteria established under [49 CFR Part 37, Subpart E](#), which are listed and explained in the [ADA Complementary Paratransit](#) section of this Toolkit. The transit agency must also implement an ADA complementary paratransit eligibility determination (and appeal) process for those who would like to request route deviations because they are unable to use fixed route. [Click here to find a template for an appeals process for ADA complementary paratransit eligibility determination.](#)

Transit agencies opting to meet ADA complementary paratransit requirements through commingled service may experience great difficulty keeping to the route's published schedule due to the need to deviate ¾-mile on either side of the route for ADA paratransit eligible riders without introducing prohibited capacity constraints. One solution to this problem is to meet some of the ADA complementary paratransit demand through supplemental dial-a-ride or other demand response service that meets the ADA complementary paratransit criteria for eligible rides for those busier times. As noted in Section 7.5.4 of [FTA ADA Circular 4710.1](#), this supplemental service could be an existing service provided by a rural transit agency.

See “Comingled Dial-A-Ride and Complementary Paratransit Service” in Section 7.6.2 of [FTA ADA Circular 4710.1](#) for FTA suggestions for tracking and analyzing combined services to ensure compliance with ADA complementary paratransit requirements.

Section Sources

- [49 CFR Part 37- Transportation Services for Individuals with Disabilities \(ADA\)](#)
- [49 CFR Part 38 – Americans with Disabilities Act \(ADA\) Accessibility Specifications for Transportation Vehicles](#)
- [FTA Circular 4710.1, Americans with Disabilities Act \(ADA\): Guidance](#)

ADA Complementary Paratransit Requirements

Public entities that provide fixed route services must also provide ADA complementary paratransit services for persons whose disabilities prevent them from using the fixed route system. (ADA complementary paratransit requirements do not apply to commuter bus, commuter rail, or intercity rail service, however.) This includes a rider's inability to access vehicles, transit stops, or facilities, or to independently navigate through the system. Complementary paratransit must be origin-to-destination service, providing service from a rider's origin to the rider's destination.

While the term “paratransit” has often been used in a generic sense, it has a specific meaning under the ADA, subject to specific eligibility and service criteria. When we speak of “paratransit” for the purposes of this Toolkit, we are referring to ADA complementary paratransit. Other forms of demand-responsive services are just that – demand-responsive, and subject to their own separate requirements under the ADA for accessible vehicles and equivalent service. It's also important to note that there is no such thing as “non-ADA service.” This term is often used to describe demand-responsive service that is not ADA complementary paratransit. U.S. DOT ADA regulations cover every form of surface transportation, public and private.

The requirements for ADA Complementary Paratransit summarized in this Toolkit include:

- General Requirements for All Service Types
- Origin-to-Destination Service
- Service Criteria
- Prohibited Capacity Constraints
- Eligibility
 - Eligibility Categories
 - Types of Eligibility Given to Individuals
 - Eligibility Determination
 - Eligibility Determination Process
 - Eligibility Appeals
 - Service to Visitors
 - Service Across Multiple Jurisdictions
- Other ADA Complementary Paratransit Operational Requirements and Considerations
 - Assistance with Items such as Grocery Bags
 - Geographic Coverage and Rural Road Conditions
 - Minimum Age for Independent Traveler
 - Negotiating Trip Times
 - Rider No-Shows
 - Suspensions
 - Title VI Requirements for ADA Paratransit

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- Planning Paratransit Service and Ongoing Consultation with People with Disabilities
 - A Paratransit Plan is Needed if New Fixed Route Service Is Implemented
 - Ongoing Consultation with People with Disabilities
- Facilitating Use of Fixed Route Service when Possible
- Section Sources

Readers are also advised to review the [General Requirements for All Service Types](#) section of this Toolkit, as well as Chapters 8 and 9 of [FTA ADA Circular 4710.1 - Americans with Disabilities Act \(ADA\): Guidance](#).

Unless stated otherwise, the information in this section is based on U.S. Department of Transportation (U.S. DOT) regulation [49 CFR Part 37- Transportation Services for Individuals with Disabilities \(ADA\)](#), particularly [Subpart F, Paratransit as a Complement to Fixed Route Service](#), and [FTA ADA Circular 4710.1](#).

[Click here](#) to download a sample ADA policy template for a rural transit system that operates ADA complementary paratransit service.

General Requirements for All Service Types

Before reviewing the requirements specific to ADA Complementary Paratransit service, readers are advised to review the general requirements for all service types that are summarized in the [General Requirements](#) section of this Toolkit.

Origin-to-Destination Service

Under [49 CFR Section 37.129 Types of Service](#), transit providers are required to provide complementary paratransit service that is “origin-to-destination.” Whether an organization provides “curb-to-curb” or “door-to-door” service is a local policy decision. However, providing door-to-door service is within the normal range of assistance expected under ADA regulations. A curb-to-curb policy is acceptable, as long as the bus operator provides door-to-door service when necessary [[49 CFR Section 37.129](#) and [U.S. DOT Disability Law Guidance on Origin-to-Destination Service](#)].

Transit providers can establish whether door-to-door or curb-to-curb service will be provided as the basic mode of paratransit service. If a transit agency establishes curb-to-curb as its base level of paratransit service, there may be times when the agency must offer service beyond this base level due to a rider’s disability. U.S. DOT, in its [Origin-to-Destination Service Disability Law Guidance](#) document, gives the following examples of when “origin-to-destination” service might be necessary:

- The nature of a particular individual’s disability or adverse weather conditions may prevent them from negotiating the distance from the door of their home to the curb.
- A physical barrier (e.g., sidewalk construction) may prevent a passenger from traveling between the curb and the door of their destination.

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In such cases, the driver will need to provide assistance to the individual from the outside door of the residence to the vehicle. Providing this level of service may require more time from the driver than on a base-level service stop, and because of this U.S. DOT has deemed it reasonable that transit providers ask for advance notice from any rider in need of this assistance when the reason for the additional assistance is known in advance of the trip. U.S. DOT also recognizes that there are certain limits to this assistance that a transit agency can establish to ensure safety for the driver and other riders. For example, the policy might state that the driver will provide beyond-the-curb assistance as long as they can maintain sight of the vehicle, or the driver will provide assistance up to X feet from the vehicle.

As long as the driver would not leave the vehicle unattended or out of visual observation for a lengthy period of time, a paratransit driver can, and should, leave the bus to assist riders with disabilities when help is needed to provide origin-to-destination service [[Appendix E to 49 CFR Part 37](#)]. For discussion of scenarios in which this level of assistance may be needed, see [Appendix E to 49 CFR Part 37](#) and [FTA ADA Circular 4710.1, Section 2.5](#). All drivers may need to assist riders who use manual wheelchairs on and off lift platforms, or up and down a ramp [[Section 37.165\(f\)](#)] and discussion in [Appendix D to 49 CFR Part 37](#)].

Providers of ADA complementary paratransit service are not obligated to provide any service beyond transportation; paratransit is intended for persons whose disabilities prevent independent use of the fixed route system. Still, transit agencies may have riders who need assistance above and beyond transportation; riders who cannot be left alone or unattended at drop-off; who travel alone, or no one is at the destination to accept the rider. There have also been situations where a provider offers door through door service but the owner of the building will not permit the driver to enter or a no parking sign is outside of someone's home.

Here are a few options for use in such cases:

- Ensure that the rider understands the nature of ADA complementary paratransit service as a transportation system and that they are expected to be able to independently use the system OR, if a rider is unable to independently use the paratransit system, suggest that they be accompanied by a Personal Care Attendant (PCA) of their choosing to provide the assistance that is needed that goes beyond transportation. While transit systems can't require that a PCA be used [[49 CFR Section 37.5\(c\)](#)], the ADA regulations do not require a transit agency to provide attendant services.
- Negotiate arrangements by which the rider will ensure that someone is there to meet them as needed at each end of a trip and establish procedures in the event of a failure of such arrangement.
- Although not required, as a good practice, transit agency staff can hold a meeting with the responsible parties at the destination point to assure that arrangements will be made to accept the rider when the vehicle arrives.
- Although not required, as a useful practice, the provider can negotiate with any service agency connected to the rider to provide the assistance that goes above and beyond transportation for a fee. This means that the transportation provider can offer a trip that not only includes transportation but provides for the additional care such as waiting with the rider until someone else at the destination point arrives. This is typically called "hand-to-hand" service. Since it is above and beyond what the ADA requires for ADA complementary paratransit service, a fee for this service can be negotiated. ACCESS, the

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paratransit program serving Allegheny County, Pennsylvania, utilizes this model. [More information on hand-to-hand service is available on the ACCESS website](#). Another example is the [hand-to-hand service](#) offered by TriMet in the Portland, Oregon region.

To read more, please see the full U.S. DOT, Disability Law Guidance document: [Origin-to-Destination Service](#).

Service Criteria

ADA complementary paratransit service must be comparable to the fixed route bus service in terms of six service criteria specified in [Section 37.131](#). Note that under the ADA, paratransit functions as a “safety net” for persons whose disabilities prevent them from using the fixed route system; it is not intended to provide a comprehensive level of mobility that meets all of the travel needs of all persons with disabilities at all times. As such, the service criteria are intended to mirror the level of service provided by the fixed route system. While neither the ADA nor the U.S. DOT implementing regulations prohibit the provision of service to individuals beyond those that meet the eligibility criteria or to provide additional service beyond the minimum requirement, doing so may lead to oversubscription and overuse, and interfere with an agency’s ability to meet the basic service requirements.

The six criteria for ADA complementary paratransit are:

- 1) Hours and days of service – ADA complementary paratransit service must be provided on the same days and during the same hours as the fixed route service for the comparable trip [\[Section 37.131\(e\)\]](#).
- 2) Service area (geographic area of service) – ADA complementary paratransit service must be provided within $\frac{3}{4}$ mile on either side of each fixed route as well as a $\frac{3}{4}$ -mile radius at the end of each fixed route, and within a $\frac{3}{4}$ -mile radius of rail stations. Within the transit agency’s core service area, small areas that are surrounded by the fixed route corridors must also be served by paratransit [\[Section 37.131\(a\)\]](#). Additional discussion on geographic coverage and rural road conditions is provided later in this section of the Toolkit.
- 3) Response time – The transit agency must schedule and provide paratransit service to any ADA complementary paratransit eligible person at any requested time (on a particular day) in response to a request for service made the previous day (i.e., next-day service). Next-day service means that ADA complementary paratransit riders can request a trip at any time (during business hours) today, to be taken any time (during service hours) tomorrow. For example, if a rider wants to make a trip at 8:00 AM on Tuesday, they can call at 3:00 PM on Monday to schedule the trip. They do not have to call at 8:00 AM on Monday. The transit agency must accept reservations during normal business hours on all days preceding a service day. This includes accepting reservations during general weekday business hours on Sundays for Monday service and holidays preceding service days. Reservations may be taken by staff or by mechanical means, such as voicemail or email. Transit agencies may use real-time, same-day scheduling as well as accepting advanced reservations [\[Section 37.131\(b\)\]](#).

Transit agencies may also permit advance reservations to be made (accept trips) up to 14 days in advance of an ADA paratransit eligible individual's desired trips. [\[Section 37.131\(b\)\]](#).

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This is not required, however, and may not disrupt the agency's ability to make next-day trips [\[Section 37.131\(b\)\]](#).

- 4) Fare – The one-way paratransit fare may be no more than twice the full fixed route fare for a similar trip, exclusive of discounts. This means that agencies may charge no more than twice the general public fixed route fare for ADA complementary paratransit for a trip of similar length (i.e., with the same origin and destination), at a similar time of day [\[Section 37.131\(c\)\]](#).

For example: if riders using fixed route services must take two buses from A to B, and pay twice, a transportation provider is allowed to charge up to twice the cost of fare for taking the same trip on fixed route [\[Section 37.131\(c\)\]](#). This should calculate in the cost of fares a rider would be charged if taking two fixed route buses was necessary to take the trip. However, if a system allows a certain time period in which a rider can transfer from one bus to another without there being an additional fare for the second bus, then the agency can only factor in the fare for the first bus. The calculation should be made on the actual cost of the trip. The requirement is that the paratransit fare can be as much as twice the fare of the fixed route trip but does not specify that twice the fare must be charged. A transportation provider can charge less than this amount, and some do. In a free fare service zone, ADA complementary paratransit must also be free for trips with origins and destinations within the free fare zone.

A rider's personal care attendant (PCA) may not be charged a fare. Regardless of whether a PCA accompanies an eligible rider, at least one additional accompanying individual must be permitted to board and can be required to pay the same fare as the rider; additional companions may accompany the ADA-eligible rider on a space-available basis) [\[Section 37.131\(c\)\]](#).

To read more about fares for complementary paratransit services that exceed the minimum requirements established by the DOT's ADA regulations, please see the full U.S. DOT, Disability Law Guidance document: ["Premium Charges" for Paratransit Services](#).

- 5) Trip purpose – There may be no restrictions or priorities based on trip purpose. Service must be provided regardless of the nature of the trip [\[Section 37.131\(d\)\]](#). If a rider is eligible for ADA complementary paratransit, and the requested trip can be provided within the paratransit service area and service hours, the transit agency needs to provide requested trips for leisure / recreational destinations just as it would to a medical appointment, to the individual's job site, or any basic needs travel.
- 6) Capacity constraints – Entities must plan, budget, and implement their paratransit systems to meet all of the anticipated demand. The transit agency must have enough paratransit vehicles, drivers, reservations staff, and reservations capacity available to ensure that eligible demand for service does not exceed supply of service on a regular basis. Constraints on capacity are prohibited [\[Section 37.131\(f\)\]](#). A transit agency cannot limit the availability of complementary paratransit to eligible riders through waiting lists, significantly late trips or other specific practices that result in limiting service. These are described below.

Prohibited Capacity Constraints

As noted above, one of the six service criteria for complementary paratransit is a prohibition against capacity constraints. With respect to ADA complementary paratransit, capacity generally refers to the ability of the transit agency to meet the demand for eligible rider trips by eligible individuals. Limited vehicles and drivers operating during times of peak demand may create prohibited capacity constraints at specific times of day. Entities must also have sufficient telephone lines and reservations staff available to accept reservations during peak calling times.

[Section 31.131\(f\)](#) prohibits limiting the availability of complementary paratransit service to ADA paratransit eligible individuals by any of the following:

- Restrictions on the number of trips an individual will be provided (for example, no more than four trips per day)
- Waiting lists for access to the service (for example, placing callers' names on a list when the schedules are full and informing them they will be contacted if space becomes available, or telling callers to call back at a later time to see if space becomes available)
- Any operational pattern or practice that significantly limits the availability of service to ADA paratransit eligible persons. Examples of such operational patterns or practices include substantial numbers of:
 - Significantly untimely trip pickups (either early or late – [Chapter 8, Section 8.5.3 of FTA ADA Circular 4710.1](#) provides in-depth guidance on how to determine untimely service.)
 - Trip denials (including trips that cannot be scheduled within one hour of the requested pick-up time, as discussed later under Negotiating Trip Times)
 - Missed trips (trips that are scheduled, but do not take place due to a fault of the transit agency)
 - Trips with excessive trip lengths (time on board the vehicle in comparison to the length of a similar trip using the fixed route system) [FTA ADA Circular 4710.1](#) notes that transit agencies may consider all elements of fixed route trips between origins and destinations when determining comparability in paratransit travel time, including time spent walking to and from a bus stop, waiting for the bus to arrive, and making any necessary transfers from one vehicle to another. There are no federal regulations or guidance specifying how many minutes are comparable for walking, waiting, and transferring. Transit agencies should determine trip length comparability based on what would be involved to complete a trip using fixed route on a case-by-case basis. A transit agency could establish a local policy on comparable ride time for ADA complementary paratransit service that specifies that for trips taking x minutes to complete using fixed route, factoring in y minutes for time spent walking to and from a bus stop, waiting for the bus to arrive, and making any necessary transfers from one vehicle to another, a rider could expect an ADA complementary paratransit trip to take no more than z minutes. Agencies should contact the Regional Civil Rights Officer at their [FTA Regional Office](#) or the [FTA Office of Civil Rights](#) for further guidance.

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Other indicators of limited service availability as discussed in [FTA ADA Circular 4710.1](#) include:

- Untimely drop-offs
- Poor telephone performance, such as busy signals or excessively long hold times for trip reservations

For these issues, it is important to note that the prohibition is against a “pattern or practice” which involves regular or repeated actions, not isolated, accidental, or singular incidents. As stated in [Appendix D to 49 CFR Part 37](#), a missed trip, late arrival, or trip denial occasionally does not trigger this provision. Additionally, operational problems outside the control of the transit agency do not count as part of a pattern or practice under this provision. For example, if the vehicle is involved in an accident on the way to pick up a rider, the late arrival would not count as part of a pattern or practice. However, a failure to account for regularly-occurring traffic congestion in operations planning could constitute a capacity constraint. Refer to [FTA ADA Circular 4710.1](#) for detailed discussion on capacity constraints on ADA complementary paratransit.

Eligibility

A transit agency that is required to provide ADA complementary paratransit is also required to have an eligibility determination process that limits eligibility for ADA complementary paratransit service to individuals whose disability prevents them from using the fixed route system [[Section 37.125\(a\)](#)]. Eligibility for paratransit is to be based on an individual’s functional ability, specifically whether they are able to use the fixed route system independently. It is not intended to be based on a medical diagnosis or type of disability.

Each transit agency determines its own ADA complementary paratransit eligibility determination standards and process, following the requirements in [49 CFR Part 37 Section 37.123](#) and [49 CFR Section 37.125](#). Under these federal requirements, paratransit eligibility isn’t intended to be based on a medical diagnosis; it should be based on an individual’s functional ability to independently use the fixed route transit system. A doctor’s note is not required for a person in order to be approved for ADA complementary paratransit service; this is a local policy decision. Many transit agencies require verification by a medical or other professional, such as an occupational therapist, who can assess the person’s abilities and under what circumstances (if any) the individual could use fixed route transit services. More information on ADA complementary paratransit eligibility requirements that transit agencies must follow can be found in the ADA Complementary Paratransit section of this Toolkit and in [FTA ADA Circular 4710.1](#).

Eligibility Categories

The regulations require that ADA complementary paratransit be provided to the following categories of individuals:

- **A person with a disability who cannot navigate the transit system without assistance.** Referred to by the FTA as Eligibility Category 1, an individual under this category is unable, as the result of a disability, and without the assistance of another individual (except the operator of a wheelchair lift or other boarding assistance device), to board, ride, or disembark from any vehicle on the system which is readily accessible to and usable by individuals with disabilities [[Section 37.123\(e\)\(1\)](#)]. Examples of individuals who would qualify under this category include those with intellectual, cognitive, vision, or psychiatric

disabilities who cannot independently navigate the fixed route system for some or all of their trips.

- **A person with a disability who requires an accessible vehicle when one is not available.** Referred to by the FTA as Eligibility Category 2, an individual under this category needs the assistance of a wheelchair lift or other boarding assistance device and is able to use accessible fixed route service, but the available fixed route service is not accessible [[Section 37.123\(e\)\(2\)](#)]. Eligibility under this category is necessary when accessible vehicles are not being used to provide service on the fixed bus route the individual wishes to use, or if a boarding or disembarking location (i.e., bus stop) is inaccessible and the lift or ramp cannot be deployed there (more information is available in the Vehicle and Facility Accessibility section of this Toolkit).
- **A person with a disability who is unable to reach the transit stop.** Referred to by the FTA as Eligibility Category 3, an individual under this category has a specific impairment-related condition which prevents the individual from traveling to or from a bus stop in the fixed route system [[Section 37.123\(e\)\(3\)](#)]. The individual's specific impairment-related condition is a key factor. For example, for an individual who uses a wheelchair, a lack of sidewalks or barriers along the sidewalk (such as lack of curb ramps, or an object constraining the width of a sidewalk so as to be impassable) may prevent them from being able to travel to a bus stop. An individual who is unable to be outside in temperature extremes due to their disability may be prevented from traveling to a bus stop during those times of extreme temperatures. An individual with a vision disability may be unable to cross a complex intersection in order to get to or from a bus stop.

Types of Eligibility Given to Individuals

As described in [Section 9.3 of FTA ADA Circular 4710.1](#), transit agencies can grant the following types of eligibility to individuals:

- **Unconditional Eligibility** – An individual who is unable to use fixed route transit services under any circumstances requires unconditional eligibility, allowing the individual to make all trips using complementary paratransit.
- **Conditional Eligibility** – An individual may be able to use the fixed route system for some trips. Transit agencies can establish conditional eligibility for those individuals and would only be obligated to provide complementary paratransit for those trips that the individuals cannot make using fixed route, based on the conditions of the particular trip [[Section 37.123\(b\)](#)].
- **Temporary Eligibility** – Temporary eligibility, for a defined period of time, can be granted to individuals who experience a temporary loss of functional ability that prevents them from using fixed route service [[Section 37.123\(c\)](#)]. For example, an individual may need to undergo two months of treatment for a health condition, resulting in severe fatigue that prevents use of the fixed route service for the duration of the treatment.

Eligibility Determination

Establishing and following an ADA complementary paratransit eligibility process that strictly limits eligibility to those individuals in Categories 1, 2 and 3 is key to ensuring that paratransit service is available for those who have a civil right to the service in accordance with the ADA. Transit managers are encouraged to read [Chapter 9 of FTA ADA Circular 4710.1](#) and [Sections 37.123-127](#)

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[of Part 37](#) carefully, and to consult the resources on ADA complementary paratransit eligibility that are listed at the end of this section. [Attachment 9-1 of FTA ADA Circular 4710.1](#) provides a sample task list to be considered when assessing abilities to use fixed route transit. Key points about ADA eligibility criteria and the eligibility determination process are discussed below.

Careful determination of eligibility for ADA complementary paratransit service is a legal requirement and can be an effective way to ensure that paratransit service is available for those who are entitled to it. Appropriate use of conditional eligibility can be particularly effective.

A transit provider may apply the conditions of an individual's eligibility to each trip request they make. Conditional eligibility, if implemented properly, helps to manage demand by identifying trips that can be made reasonably on the fixed route system, while preserving the individual's eligibility for paratransit service when their functional ability makes it necessary.

An example of this is when a person who uses a wheelchair may be able to reach the transit stop and use the accessible fixed route service on their own during mild weather. However, they may not be able to reach the transit stop when the sidewalks are covered in snow or ice. On those occasions, they are eligible to use the ADA complementary paratransit service, but on days when the path to the transit stop is clear and accessible, the individual should use the accessible fixed route service. Reservationists should be aware of the exact type of service the individual is eligible for when receiving requests.

To assist both the reservationist and the rider, conditions for the paratransit eligibility should be clearly defined. In our example above, it is better to state the exact conditions when the rider is unable to travel to the transit stop (when there is ice/snow on the sidewalks) rather than simply saying they are eligible "during the winter months" or "during bad weather." There are many days during the winter when there is no snow/ice on the ground, and the description "bad weather" is too vague. Clearly defining conditional eligibility is the most effective way to manage demand and ensure that riders who need paratransit are being served. The DREDF [Topic Guide on Eligibility for ADA Paratransit](#) offers practical guidance on incorporating conditional eligibility into daily operations.

Eligibility Determination Process

The application and eligibility determination process for ADA complementary paratransit is often referred to as eligibility certification. While many transit systems use paper forms to collect applicants' information to determine eligibility, systems are increasingly moving to more personal, hands-on approaches. These approaches include phone or in-person interviews, functional assessments, or both. [Section 37.125\(g\) of Part 37](#) requires the following elements for an ADA paratransit eligibility determination process:

- If a rider makes the request, the transit agency must provide all information about the process, materials necessary to apply for eligibility, and notices and determinations concerning eligibility in accessible formats.
- If, by a date 21 days following the submission of a complete application, the transit agency has not made a determination of eligibility, the applicant must be treated as eligible and provided service until and unless the application is denied.

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- The determination concerning the eligibility must be put in writing. If the determination is that the individual is ineligible, the determination must state the reasons for the finding. Sample letters are provided as attachments to [Chapter 9 of FTA ADA Circular 4710.1](#).
- Because this is a civil rights issue, there must be a system in place by which a rider can appeal any decisions that are made concerning eligibility. Transit agencies are required to establish an appeal process through which individuals who are denied ADA complementary paratransit eligibility can obtain review of the denial [[Section 37.125\(g\)](#)].

Eligibility appeals

Transit agencies are required to establish an appeal process through which individuals who are denied ADA complementary paratransit eligibility can obtain review of the denial [[Section 37.125\(g\)](#)]. Eligibility appeals must be handled by someone who did not make the original decision. Written appeals cannot be required (though a declaration of intent to appeal can be required to be written), and an opportunity to be heard must be part of the appeals process.

Requirements and FTA suggestions for the appeal process are discussed in [FTA ADA Circular 4710.1](#). A sample Appeal Request Form is provided as an attachment to [FTA ADA Circular 4710.1](#). [Click here to find a template for an appeals process for ADA complementary paratransit eligibility determination.](#)

For more information about the eligibility process, please see the following resources:

- [Chapter 9 of FTA Circular 4710.1, Americans with Disabilities Act \(ADA\): Guidance](#)
- [DREDF Topic Guide on Eligibility for ADA Paratransit](#)
- [NADTC Determining ADA Paratransit Eligibility: An Approach, Recommendations and Training Materials](#)
- [TCRP Synthesis 116: Practices for Establishing ADA Paratransit Eligibility Assessment Facilities](#)
- [TCRP Report 163: Strategy Guide to Enable and Promote the Use of Fixed-Route Transit by People with Disabilities, Chapter 9](#)

Service to Visitors

ADA complementary paratransit service must be made available to visitors on the same basis as it is provided to eligible riders. “On the same basis” means under all the same conditions, service criteria, etc., without distinction. For the period of a visit [and at least 21 days in any 365 day period, per [49 CFR Section 37.127\(e\)](#)], the visitor is treated exactly like an eligible local user, without any higher priority being given to either.

Visitors can provide documentation in one of two ways. The first is to present documentation from their “home” jurisdiction's paratransit system. The local provider will give “full faith and credit” to the visitor’s ID card or other documentation from the other entity. If the individual has no such documentation, the local provider may require the provision of proof of visitor status (i.e., proof of residence somewhere else) and, if the individual's disability is not apparent, proof of the disability (e.g., a letter from a doctor or rehabilitation professional). Once this documentation is presented and is satisfactory, the local provider will make service available on the basis of the individual's statement that they are unable to use the fixed route transit system.

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Transit agencies must accept this documentation directly from the individual and not require that the documentation be provided directly from the individual's home transit agency.

FTA expects the process of entering the visitor into a transit agency's paratransit system to be completed the same day, or not more than one day later. The ADA complementary paratransit service provided to visitors must be provided on the same basis as the service provided to local residents.

Additional details on requirements related to service for visitors can be found in [FTA ADA Circular 4710.1](#).

Service Across Multiple Jurisdictions

Riders certified as ADA complementary paratransit eligible who regularly travel from their home jurisdiction to a neighboring jurisdiction (e.g., commuting to work) that also provides ADA complementary paratransit may need to obtain ADA complementary paratransit eligibility certification from the second jurisdiction to complete their trips.

Providing cross-jurisdictional service can be challenging and neighboring transit agencies may want to work together to coordinate service. As provided in [Appendix D to Section 37.131](#), transit agencies are encouraged to coordinate "to prevent political boundaries from becoming barriers to the travel of individuals with disabilities." As a reminder, each entity is required to provide paratransit service within a $\frac{3}{4}$ -mile radius of each of its fixed routes, regardless of whether jurisdictional boundaries are crossed, unless there is a legal bar.

Other ADA Complementary Paratransit Operational Requirements and Considerations

Assistance with Items such as Grocery Bags

Drivers are not required to help riders with disabilities with items such as grocery bags unless the transit agency's normal policy is to help with such items [[Appendix E to 49 CFR Part 37](#)]. Transit agencies can have policies that require riders to be responsible for their own personal belongings. However, many transit agencies have policies that allow bus drivers to assist with a certain number or weight of bags. The policy just has to be applied equally to all riders, whether or not they have a disability.

Geographic Coverage and Rural Road Conditions

The first of the six service criteria for ADA complementary paratransit is geographic coverage. As noted above, the regulations require that complementary paratransit service be provided within $\frac{3}{4}$ mile on either side of each fixed route as well as a $\frac{3}{4}$ mile radius at the end of each fixed route, and that within the transit agency's core service area, small areas that are surrounded by the fixed route corridors must also be served by paratransit [[Section 37.131\(a\)](#)].

Rural transit agencies may face challenges in covering the $\frac{3}{4}$ -mile radius to serve ADA complementary paratransit eligible riders living on unpaved or poorly maintained roads, particularly when weather conditions, flooding, or other environmental conditions can make such roads impassable or very difficult to use. If current road conditions present a direct threat to the health or safety of others (riders, staff), the transit agency can deny service to locations on the unsafe road.

[Appendix E to 49 CFR Part 37](#) provides U.S. DOT guidance on reasonable modification requests. In this appendix, under Example 17 (Exposing Vehicle to Hazards), the U.S. DOT states that, if the passenger requests that a vehicle follow a path to a pick up or drop off point that would expose the vehicle and its occupants to hazards, such as running off the road, getting stuck, striking overhead objects, or reversing the vehicle down a narrow alley, the request can be denied as creating a direct threat. Example 18 (Hard-to-Maneuver Stops) states that a paratransit passenger's request to be picked up in a location that is difficult, but not impossible or impracticable, to access should generally be granted as long as picking up the passenger does not expose the vehicle to hazards that pose a direct threat (e.g., it is unsafe for the vehicle and its occupants to get to the pick-up point without getting stuck or running off the road). A transit agency that operates fixed routes within $\frac{3}{4}$ -mile of roads that are unpaved, poorly maintained, or subject to environmental concerns such as flooding, may wish to conduct a home visit with a roadway assessment for each new ADA complementary paratransit passenger living on such roads, and advise the passenger how roadway conditions will impact the transit agency's ability to access the passenger's home.

Each passenger's situation (and each road involved) should be assessed on a case-by-case basis. In some cases, the transit agency may be able to work with the rider to identify a workaround, such as alternative routing. The transit agency may wish to consult with its legal counsel before making any service-related decisions.

Minimum Age for Independent Traveler

Whatever policy the transit agency has for minimum age to ride fixed route service without an accompanying adult should be applied to ADA complementary paratransit – the same policy should apply to both services. Many transit agencies establish a policy on the minimum age at which a child can ride the transit service without being accompanied by an adult. To avoid discrimination on the basis of disability, such policies must be applied consistently for all children.

As discussed in [Section 9.2.2 of FTA ADA Circular 4710.1](#), in the context of determining ADA complementary paratransit eligibility, policies limiting the availability of transit to children under a certain age or requiring them to be accompanied by an adult cannot be created solely for ADA complementary paratransit. Any policy would also need to apply to the fixed route service to avoid a discriminatory practice. For children under the minimum age to travel alone on fixed route, paratransit eligibility determination should consider the ability of the team of the child with a parent/guardian, rather than the independent ability of the child, since all children of that age would be required to travel with accompanying adults. However, paratransit eligibility determination for children that meet the minimum age for unaccompanied travel on the fixed route must be based on the child's independent functional ability. [FTA ADA Circular 4710.1](#) makes the distinction that having an age-related fare policy (e.g., children under the age of 6 ride free when accompanied by a fare-paying adult) does not constitute a policy requiring adults to accompany younger children.

Negotiating Trip Times

Under [49 CFR 37.131\(b\)\(2\)](#), the transit agency may negotiate pickup times with an eligible paratransit rider; they may not, however, require any eligible rider to schedule a trip for more than one hour before or after their desired trip time.

[Section 8.4.5 of FTA ADA Circular 4710.1](#) notes that this negotiation window is also subject to the rider's practical travel needs. For example, riders may end their workday at 4 p.m. and request a 4 p.m. pickup. In this case it would not be appropriate to offer a pickup time that is earlier than 4 p.m. because the rider would still be working. However, offering a pickup any time between 4 p.m. and 5

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p.m. would be appropriate and consistent with the negotiation requirement. Similarly, it would be inappropriate to schedule a trip that would require a rider to arrive late for their job.

If the transit agency is unable to schedule or negotiate a requested trip time within the allowable window under [49 CFR Section 37.131\(b\)\(2\)](#), this would constitute a trip denial, even if the rider accepts a trip that is beyond the negotiation window.

For an in-depth discussion and guidance on negotiating ADA complementary paratransit trip times, see [Section 8.4.5 of FTA ADA Circular 4710.1](#).

Rider No-Shows

Transit agencies are permitted to establish a process to temporarily suspend service, for a reasonable period of time, to individuals who establish a pattern or practice of missing scheduled trips. For purposes of determining whether such a pattern or practice exists, the transit agency cannot include trips missed due to circumstances beyond the rider's control (for example, a sudden family emergency, a turn for the worse, a failure of mobility equipment, or the unexpected absence of a PCA). As a matter of policy, FTA permits transit agencies to regard late cancellations as no-shows for trips that are cancelled less than one or two hours before the scheduled pick-up time, subject to the same provisions.

Before imposing a suspension, the transit agency must establish that a pattern or practice of missing scheduled trips exists. For example, for a rider who travels by ADA complementary paratransit to and from work every day, three no-shows in a month would not constitute a "pattern or practice" of no-shows.

To establish whether a rider has exhibited a pattern or practice of missing scheduled trips, agencies must consider both the number and *frequency* of no-shows before imposing any suspension of service. This means that you should not have a policy that applies a suspension for a set, absolute number of no-shows.

Instead, the FTA recommends that a transit agency establish a two-step process for determining whether a pattern or practice exists. The first step establishes a threshold at which point you would look in more detail at a rider's trip and no-show history. This threshold would be a set number, for example, 4 or 5 no-shows. The second step would then review that rider's trips and no-shows and see if the number of no-shows exceeded a defined percentage, for example, 10% to 20% of the rider's total scheduled trips that month.

Transit agencies should review [Section 9.12.2 FTA ADA Circular 4710.1](#) as well as the DREDF [Topic Guide on No-Shows in ADA Paratransit](#). The Topic Guide is particularly helpful, including a section titled "Not Difficult to Administer." [FTA ADA Circular 4710.1](#) provides a sample no-show policy as Attachment 9-4.

Suspensions

Under [49 CFR Section 37.125\(h\)](#), riders may only be suspended for a reasonable period of time. A rider who is facing a possible suspension for violating the no-show policy must be notified in writing about that possibility (including the specific basis for the suspension and the proposed sanction) and given an opportunity to appeal. The appeals process must provide the individual an opportunity to be heard and to present information and arguments in person, consistent with the appeal process that is needed for the eligibility determination process. For more information, see [FTA ADA](#)

[Circular 4710.1](#). [Click here to access a template for an appeals process for ADA complementary paratransit eligibility determination.](#)

As described in [Section 9.7 of FTA ADA Circular 4710.1](#), there must be a separation of function, and the transit agency must make a decision within 30 days of the completion of the appeal process or reinstate service until and unless the appeal is denied. Information on the process for suspension is provided in [FTA ADA Circular 4710.1](#), Chapter 9, Section 9.12.3. Importantly, the length of suspension should begin with a relatively short amount of time (for example, one week). Subsequent suspensions for a rider with continued violation of the no-show policy can be longer. Note that the FTA considers any suspension period longer than 30 days to be excessive.

Title VI Requirements for ADA Paratransit

FTA and [U.S. DOT Title VI regulations](#) apply to all recipients of federal financial assistance. Therefore, a transit agency's ADA complementary paratransit and fixed route services must comply with Title VI. Fixed route operators may include both their fixed route and ADA complementary paratransit in one Title VI program. Providers of public transportation that only operate demand response service are responsible for completing a Title VI program as described in [FTA Circular 4702.1B: Title VI Requirements and Guidelines for Federal Transit Administration Recipients](#). For more information see [FTA's Title VI Requirements for ADA Paratransit Question and Answer Concerning FTA's Circular 4702.1B, "Title VI Requirements and Guidelines for FTA Recipients."](#)

Planning Paratransit Service and Ongoing Consultation with People with Disabilities

A Paratransit Plan Is Needed if New Fixed Route Service Is Implemented

If a transit agency decides to implement a new fixed route service when there was none before, the agency will need to prepare a Complementary Paratransit Plan (see Section 8.8 of [FTA ADA Circular 4710.1](#)). The specifics of what needs to be included in the plan are provided in [49 CFR Part 37, Section 37.139](#). The plan must describe how ADA complementary paratransit will be provided to complement the new fixed route service [[Section 37.139\(d\)](#)] and that the planning process included an opportunity for public comment and consultation with people with disabilities [[Section 37.139\(f\)](#)].

Ongoing Consultation with People with Disabilities

U.S. DOT regulations require that transit agencies have an "ongoing mechanism" that provides for the participation of people with disabilities in the continued development and assessment of services [[Section 37.137\(c\)](#)]. Typically, this involves an ongoing committee or advisory group that includes members with disabilities. It may also include periodic meetings or workshops. A transit agency must perform this consultation when the agency is considering changes or revisions to its ADA complementary paratransit service. For example, if a transit agency is considering a reduction in the advance reservation time period from 14 days to 7 days, it is important that this change be discussed with the committee or group representing people with disabilities. This consultation is especially important if the changes or revisions would result in reductions in service. Section 8.9 of [FTA ADA Circular 4710.1](#) provides additional information about the consultation requirement.

Facilitating Use of Fixed Route Service when Possible

As noted in [TCRP Report 163: Strategy Guide to Enable and Promote the Use of Fixed-Route Transit by People with Disabilities](#), a main tenet of Title II of the ADA is to provide public services in the most integrated setting possible—to make mainstream fixed route service systems accessible to and usable by individuals with disabilities. Increased use of fixed route transit service (rather than ADA complementary paratransit) benefits both people with disabilities and transit agencies. For riders, fixed route service can be spontaneous and typically has lower fares. Transit agencies can provide trips on fixed route transit for a significantly lower cost than on ADA complementary paratransit.

The following are some strategies that go beyond the minimum ADA requirements that rural transit agencies may want to try.

- In communities where securement areas on fixed route are frequently full:
 - When procuring larger fixed route vehicles, consider procuring more than two wheelchair securement areas per vehicle
 - When procuring smaller vehicles, consider procurement of full-length securement tracking, allowing drivers to fold up seats and secure wheelchairs anywhere on the vehicle
- To reduce the demand for complementary paratransit by individuals who can't get to a bus stop or on a vehicle due to physical barriers in the environment:
 - Make bus stops accessible
 - Make sidewalks and pedestrian pathways connecting bus stops accessible
- To increase community awareness about fixed route transit accessibility:
 - Promote accessible fixed route transit through targeted marketing, brochures, and outreach
 - Provide trip planning assistance with accessibility information (including whether or not each bus stop is accessible)
 - Provide travel training services
- To encourage individuals to use fixed route whenever possible:
 - Emphasize abilities and travel options rather than limitations.
 - Conduct in-person functional assessments of ability, apply conditional (trip-by-trip) eligibility for ADA complementary paratransit and identify when fixed route transit can be used.
 - Allow people who have been certified as eligible for ADA complementary paratransit for some trips (conditionally eligible) to ride fixed route for free

[TCRP Report 163: Strategy Guide to Enable and Promote the Use of Fixed-Route Transit by People with Disabilities](#) provides extensive information on potential strategies to increase fixed route ridership by people with disabilities.

Section Sources

- [49 CFR Part 37- Transportation Services for Individuals with Disabilities \(ADA\)](#)
- [DREDF Topic Guides on ADA Transportation, Eligibility for ADA Paratransit](#)
- [DREDF Topic Guides on ADA Transportation, No-Shows in ADA Paratransit](#)
- [FTA ADA Circular 4710.1, Americans with Disabilities Act: Guidance](#)
- [FTA Circular 4702.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients](#) and [FTA's Title VI Requirements for ADA Paratransit Question and Answer Concerning FTA's Circular 4702.1B, "Title VI Requirements and Guidelines for FTA Recipients."](#)
- [FTA website, Disability Law Guidance, "Origin-to-Destination Service"](#)
- [Thatcher, Russell, Caroline Ferris, David Chia, Jim Purdy, Buffy Ellis, Beth Hamby, Jason Quan, and Marilyn Golden. TCRP Report 163, Strategy Guide to Enable and Promote the Use of Fixed-Route Transit by People with Disabilities](#)

Vehicle and Facility Accessibility

This section of the Toolkit focuses on the U.S. Department of Transportation (DOT) accessibility standards for transit vehicles and facilities. It also presents technical assistance information and sample practices. The information in this section is organized in the following subsections:

- U.S. Access Board
- U.S. Department of Transportation
- Transportation Vehicles
 - Summary of the Accessibility Specifications for Buses and Vans
 - Additional Mobility Device Accessibility Considerations
 - Vehicle Step Height Considerations
- Transportation Facilities
 - Summary of the Accessibility Specifications for Transportation Facilities
 - Bus Stop Inventory and Improvement Planning
 - Signage and Wayfinding for People with Vision Disabilities
- Equivalent Facilitation
- Section Sources

The information presented in this section is primarily based on the U.S. Department of Transportation (DOT) regulations: [49 CFR Part 37- Transportation Services for Individuals with Disabilities \(ADA\)](#) and [49 CFR Part 38- Americans with Disabilities Act \(ADA\) Accessibility Specifications for Transportation Vehicles](#), as well as [FTA Circular 4710.1, Americans With Disabilities Act \(ADA\): Guidance](#) and the U.S. Access Board [ADA Standards for Transportation Facilities](#).

U.S. Access Board

The U.S. Access Board is a federal agency statutorily required to develop and issue standards for accessibility under the ADA and the Architectural Barriers Act of 1968. The Access Board is structured to function as a coordinating body among federal agencies and to directly represent the public, particularly people with disabilities. Twelve of its members are representatives from most of the federal departments. Thirteen others are members of the public appointed by the President, a majority of whom must have a disability. By statute, the standards issued by the Access Board become the basis for regulatory requirements issued by enforcement agencies including U.S. Department of Justice (DOJ) and U.S. DOT.

Additional information about the Access Board can be found on their [website](#). Information about the Access Board's guidelines for [transportation vehicles](#) and [facilities](#) can be found on their website.

U.S. Department of Transportation

The U.S. DOT-adopted standards for vehicles and facilities are found in the following regulations:

- [49 CFR Part 38, Accessibility Specifications for Transportation Vehicles](#)
- [Appendix A to 49 CFR Part 37, ADA Standards for Transportation Facilities](#). Note that the U.S. DOT Standards for buildings and facilities are found here.

Transportation Vehicles

The requirement for public entities to acquire accessible vehicles is found in [49 CFR Part 37, Subpart D](#). Generally speaking, all vehicles must be accessible to and usable by persons with disabilities, including wheelchair users. Demand responsive vehicles must also be accessible, unless an equivalent level of service is provided to all riders, including those who use mobility devices, according to specific regulatory criteria. For more information on determining equivalent service, see the [Demand Response Requirements](#) section of this Toolkit. See the [Operations and Planning: Choosing Vehicles Section](#) of [National RTAP's Transit Manager's Toolkit](#) for guidance and resources related to choosing the correct vehicle for the need and the environment.

[Summary of the Accessibility Specifications for Buses and Vans](#)

The vehicle accessibility standards are found in [49 CFR Part 38, Subpart B](#) addresses buses and vans, except over-the-road buses, which are found in [Subpart G, Section 4.2.5 of FTA ADA Circular 4710.1](#) provides guidance on accessibility features of buses and vans. For those vehicles that are required to have accessible features, each feature must be fully operational any time the vehicle is in use. The following is a summary of key features specified in [Subpart B of Part 38](#).

- **Mobility aid accessibility** – Vehicles must have a lift or ramp to allow individuals with a disability, including individuals who use wheelchairs, to safely board, and there must be sufficient clearances to permit a user of a wheelchair or other mobility aid to reach a securement location. Vehicles in excess of 22 feet must have at least two securement locations, and smaller vehicles must have at least one. Securement systems must be either forward-facing, or rear-facing with a padded barrier (with at least one forward-facing position on vehicles longer than 22 feet). The securement area(s) must be located as near to the accessible entrance as practicable and provide a clear floor area of at least 30 inches by 48 inches. The vehicle lift or ramp design load must be at least 600 pounds. Lifts must permit both inboard and outboard facing of wheelchair and mobility aid users and must be equipped with handrails to support standees. Ramps must have the least slope practicable and must not exceed 1:4 when deployed to ground level. The maximum allowable slope to a 6-inch curb varies with the height of the vehicle floor. On a vehicle with a floor height that is 3 to 6 inches above a 6-inch curb, a maximum ramp slope of 1:6 is permitted. A vehicle floor height that is 6 to 9 inches above a 6 inch curb can have a slope no greater than 1:8, while a vehicle floor height that is greater than 9 inches above a 6 inch curb requires a slope no greater than 1:12 [[Section 38.23](#)]. Additional mobility device accessibility considerations are discussed following the rest of this list of requirements under [Part 38](#).
- **Doors, steps, and thresholds** - must be slip resistant, and all steps, edges, thresholds, and the boarding edge of the ramp must have a band of contrasting color running the full length

of the step or edge. Door height must be a minimum of 68 inches for vehicles in excess of 22 feet and a minimum of 56 inches for smaller vehicles [\[Section 38.25\]](#). Vehicle step heights are not specified in the U.S. DOT ADA regulations. Considerations for vehicle step heights are discussed later on this page of the Toolkit, following Additional Mobility Device Accessibility Considerations.

- **Priority seating signs** - must be placed at the front of the bus, including at least one set of forward-facing seats. Signs are also required at securement locations [\[Section 38.27 Priority Seating Signs\]](#). (As discussed in the [Accommodating Riders with Disabilities](#) section of the Toolkit, drivers must ask other riders to make securement locations and priority seats available to individuals with disabilities when necessary [\[Section 37.167\(j\)\]](#).)
- **Interior handrails** - The placement of interior handrails and stanchions must permit sufficient turning and maneuvering space for wheelchairs and other mobility aids to reach a securement location from the lift or ramp. Handrails or stanchions must also be located at the entrance to the vehicle [\[Section 38.29\]](#). A stanchion is an upright bar, post, or frame forming a support or barrier. On a transit vehicle, stanchions are commonly positioned along the aisle. They provide standing riders with something to hold to maintain their balance.
- **Lighting** - is required at any stepwell or doorway [\[Section 38.31\]](#).
- **Fare Boxes** - If your vehicles have fare boxes, they must be located as far forward as practicable so as not to obstruct traffic in the vestibule [\[Section 38.33\]](#).
- **Public address systems** - must be installed in any vehicle in excess of 22 feet that is used in multiple-stop, fixed route service [\[Section 38.35\]](#).
- **Stop request controls** - must be located adjacent to the securement location in vehicles in excess of 22 feet that make multiple stops. These controls must be located between 15 inches to 48 inches off the ground and must be operable with one hand and must not require tight grasping, pinching, or twisting of the wrist [\[Section 38.37\]](#).
- **Signage** - For destination or route information displayed on the exterior of the vehicle, each vehicle must have illuminated signs on the front and boarding side of the vehicle [\[Section 38.39\]](#).

Additional Mobility Device Accessibility Considerations

- While the weight load and dimension requirements listed above are the current minimum requirements, transit agencies that acquire vehicles that can accommodate larger dimensions and heavier weight loads will be able to accommodate more individuals and their larger mobility devices. For example, a transit agency could procure securement areas that are 31 by 52 inches, instead of the minimum dimensions of 30 by 48 inches required in [49 CFR Part 38](#). While [Part 38](#) requires a lift to accommodate 600 pounds, a transit agency could procure lifts that accommodate 800 or more. TCRP Report 171: [Use of Mobility Devices on Paratransit Vehicles and Buses](#) recommends accommodating a minimum of 30 by 54 inches and 800 pounds. Transit agencies should check with their State DOT about any state requirements to accommodate larger dimensions and heavier weight loads.
- Some transit agencies acquire buses or vans with the accessible entrance located at the rear of the vehicle or at the side behind the rear axle, with controls that the driver operates while

standing outside the vehicle. For many smaller vehicles operated in demand responsive service, this may be the most practical approach to meeting the accessibility standards. However, it can provide a less comfortable ride for those riding in securement positions that are behind the rear axle. Lifts on buses operated in fixed route service are commonly installed on the side near the front of the vehicle, with controls that the driver can operate while seated. This approach provides a more integrated setting for boarding and disembarking of all riders.

- Side-facing securement areas are not allowed on buses and vans under the U.S. DOT regulations; securement areas must be forward-facing, or rear-facing with a padded barrier [[49 CFR Section 38.23\(d\)\(4\)](#)].
- Although it is not specifically required, a “kneeling” feature on the bus allows the bus to lower at the front door and reduce the vertical distance between vehicle floor height and the ground. This makes it easier for other ambulatory riders to enter and exit the bus (see discussion below under Vehicle Step Height Considerations). In some situations, such as when deploying a ramp on the street or to a low curb, the use of the kneeling system may be necessary to achieve a compliant ramp slope.
- Information on transit industry approaches to vehicle configuration to accommodate individuals using a wide range of mobility devices can be found in [TCRP Report 171: Use of Mobility Devices on Paratransit Vehicles and Buses](#), Chapter 6, and [TCRP Report 163, Strategy Guide to Enable and Promote the Use of Fixed-Route Transit by People with Disabilities](#), Chapter 4. Note that these research and technical assistance documents were published by the Transportation Research Board (TRB) and have not been endorsed or approved by FTA or U.S. DOT.
- Operational requirements for lifts, ramps, and securement systems are discussed in the [Accommodating Riders Using Mobility Devices](#) section of this Toolkit.

Vehicle Step Height Considerations

- As noted earlier, vehicle step heights are not specified in the U.S. DOT ADA regulations. The vehicle *floor* height is a factor in achieving a compliant ramp slope, and floor height affects step height. Low floor vehicles, which can minimize the vertical gap between the curb and the vehicle floor, are an option to consider. Transit agencies need to consider curb heights in the communities they serve when determining the appropriate vehicle clearance and bottom stop height on their vehicles.
- The [2022 APTA Bus Procurement Guidelines](#) recommend that the step height at transit bus doorways not exceed 16.5 inches without “kneeling” (lowering to the ground) and not exceed 15.5 inches at the step. [Section TS 6.4]. These APTA Guidelines do not specify whether the 16.5 inches are measured from the street or curb. (The optional kneeling feature on buses is discussed above under Additional Mobility Device Accessibility Considerations.)
- An example of step heights and depths specified in an ADA paratransit vehicle procurement document is found on the Michigan Department of Transportation (MDOT) website. The [MDOT’s Small Light-Duty Bus Specifications](#) and [Full-size Van Specifications](#) call for passenger stepwells with a maximum step height of 9.5 inches (except 12 inches from the

ground for the bottom step) with a minimum tread depth of 9 inches. Many State DOTs procure vehicles on behalf of their subrecipients, and transit agencies should check and ask their State DOT about recommended vehicle specifications.

Transportation Facilities

The U.S. DOT requirement to make transportation facilities accessible is found in [Subpart C of Part 37](#). If a public entity constructs new facilities to be used for providing designated public transportation services, they must be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs [\[Section 37.41\]](#). If a public entity alters an existing facility or part of an existing facility used for providing designated public transportation services, and that alteration affects or could affect the usability of the facility, the agency must make the alterations in a way that is readily accessible to and usable by individuals with disabilities [\[Section 37.43\]](#). Private entities that “stand in the shoes of” (or act on behalf of, due to a grant or contract or other arrangement or relationship) public entities (including Section 5311 grantees) are also subject to the applicable U.S. DOT requirements for public entities [\[Section 37.23\(a\)\]](#). [Section 504 of the Rehabilitation Act of 1973](#) requires that recipients of U.S. DOT funding comply with the same transportation facilities standards as public entities [\[49 CFR Part 27, Section 27.3\]](#). The [Transportation Facilities Standards](#) themselves were developed by the Access Board and adopted by U.S. DOT with some modifications.

U.S. DOT ADA regulations define a facility as all or any portion of buildings, structures, sites, complexes, equipment, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located [\[Section 37.3\]](#).

Alteration means a change to an existing facility, including, but not limited to remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement in structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions [\[Section 37.3\]](#).

Fixed bus stops (i.e., stops with a designated location) are considered transit facilities. The simple placement of a sign on a pole in the ground is not considered construction. However, if a concrete pad is poured or a passenger shelter is installed at the stop, this is considered construction or alteration, and the bus stop must meet minimum accessibility standards summarized below. As a best practice, transit agencies should endeavor to only establish bus stops at locations where riders who use mobility devices would be able to board using the lift or ramp, to the extent feasible given existing sidewalk conditions.

[Chapter 8 of FTA ADA Circular 4710.1](#) provides additional guidance and discussion on the U.S. DOT ADA requirements for transportation facilities of FTA grantees.

As a reminder, accessibility features of vehicles and facilities must be maintained in operative condition. When an accessibility feature is out of order, the transit agency must take reasonable steps to accommodate individuals with disabilities who would otherwise use the feature [\[Section 37.161\]](#).

Making public transportation accessible for individuals with disabilities and maintaining accessibility of bus stops includes snow removal at bus stops. According to [Section 2.3.2 in the FTA ADA Circular](#), transit agencies that have direct control over the area have an obligation to remove snow, as well as bicycles and illegally parked vehicles that obstruct accessible routes. An example of direct control is a transit agency that is part of a city government with bus stops on city-owned public

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right-of-way. Where a transit agency does not have direct control over the areas with accessibility features, FTA encourages coordination with other public entities or private property owners.

Easter Seals Project ACTION's [Effective Snow Removal for Pathways and Transit Stops](#) provides information on innovative practices and partnership to ensure snow removal.

Summary of the Accessibility Specifications for Transportation Facilities

The accessible transportation facilities standards are found within [Appendix A to 49 CFR Part 37, ADA Standards for Transportation Facilities](#) (also found [here](#)). The following is a brief summary of the requirements for bus stops, bus shelters, and bus stop signs, which can be found within Chapter 8, Section 810 of these standards.

Newly constructed or altered bus boarding and alighting areas (Section 810.2) must:

- Have a firm, stable surface.
- Provide a clear length of 96 inches (8 feet) minimum, measured perpendicular to the curb or vehicle roadway edge, and a clear width of 60 inches (5 feet) minimum, measured parallel to the vehicle roadway.
- Be connected to streets, sidewalks, or pedestrian paths by an accessible route complying with Section 402 of the [ADA Standards for Transportation Facilities](#).
- Have a slope the same as the roadway, to the maximum extent practicable. Perpendicular to the roadway, the slope of the bus stop boarding and alighting area must be no steeper than 1:48.

New or altered bus shelters (Section 810.3) must:

- Provide a minimum clear floor or ground space complying with Section 305 the [ADA Standards for Transportation Facilities](#) entirely within the shelter.
- Be connected by an accessible route complying with Section 402 to the boarding and alighting area.

Bus route identification signs must comply with Section 703.5.1 through 703.5.4 (finish and contrast, case, style, and character proportions), and 703.5.7 and 703.5.8 (stroke thickness and character spacing) of the [ADA Standards for Transportation Facilities](#). In addition, to the maximum extent practicable, bus route identification signs must comply with 703.5.5 (character height). Bus schedules, timetables and maps that are posted at the bus stop are exempted from this requirement, but a recommended practice is to prominently display the transit agency's phone number on all bus stop signs, as close as possible to meeting the requirements of 703.5, to help riders with mobile phones who can then call for information. Transit agencies can use interior panels of shelters to post larger-format schedule information. Transit agencies with real-time bus arrival technology can post schedule information on real time information display boards at stops with electrical infrastructure.

Bus Stop Inventory and Improvement Planning

Transit agencies that operate fixed route transit can maximize the user-friendliness of the system and reduce the potential demand for complementary paratransit by ensuring that as many of the bus stops as possible meet accessibility standards. Bus stops must also be connected to sidewalks to be considered accessible. Sidewalks ideally are also fully accessible. A good practice is to develop and to build and maintain an inventory of all fixed stops, with information about accessibility characteristics

and other key features. The information in the inventory can be used to provide rider information, determine complementary paratransit trip eligibility, and plan for improvements in a systematic fashion. Bus stops should be assessed based on locally-developed bus stop standards that incorporate not only ADA requirements but also locally-determined standards, such as spacing along the route and amenities to be installed.

Chapter 5 of [TCRP Report 163: Strategy Guide to Enable and Promote the Use of Fixed-Route Transit by People with Disabilities](#) provides additional information and examples of transit agency efforts to improve bus stop and pedestrian pathway accessibility. A rural example on installing low-cost bus stop pads (passenger boarding areas in Wenatchee, Washington) can be found on pages 48-49 of [TCRP Report 163](#).

An example of a rural bus stop inventory and planning study is the Northwest Pennsylvania Regional Planning and Development Commission (Northwest Commission) [Bus Stop Inventory, Assessment, and Recommendations](#). This study was conducted for Crawford Area Transportation Authority, Venango County Transit, and Transit Authority of Warren County, referencing the Northwest Commission's [Bus Stop Guidelines: Design and Amenity Standards](#).

Resources for developing bus stop standards and assessing bus stop accessibility include Easter Seals Project ACTION's [Toolkit for the Assessment of Bus Stop Accessibility and Safety](#) and TCRP Report 19: [Guidelines for the Location and Design of Bus Stops](#).

Easter Seals Project ACTION (ESPA) and National Aging and Disabilities Transportation Center (NADTC) have also developed several resources on accessible pedestrian pathways which can be accessed through the NADTC website. These resources include [Accessible Pathways to Bus Stops & Transit Facilities Findings in Brief](#), an [Accessible Pathways & Livable Communities Pocket Guide](#), and course materials from a 2019 [Accessible Pedestrian Pathways](#) mini-course.

Transit agencies can work with the jurisdictions they serve to incorporate bus stop improvements as part of roadway and sidewalk improvements, and with adjacent property owners/developers as part of land use improvements.

Bus stop and associated sidewalk improvements should also be addressed in each jurisdiction's transition plan that is required by the U.S. Department of Justice (DOJ). Under the ADA and Section 504, as established in [28 CFR Part 35 - Nondiscrimination on the Basis of Disability in State and Local Government Services, Section 35.150\(d\)](#), state and local governments with 50 or more employees are required to perform an ADA self-evaluation and [develop a transition plan](#) to address ADA compliance deficiencies (including inaccessible sidewalks). This plan provides a schedule for needed pedestrian accessibility upgrades and must be updated periodically. The Federal Highway Administration (FHWA) is the oversight agency for ADA compliance with regards to sidewalks, and the U.S. DOJ has enforcement responsibility.

[Signage and Wayfinding for People with Vision and Hearing Disabilities](#)

When designing and improving transportation facilities, including facilities with multiple bus stops such as transfer centers, transit agencies should consider the need for people with visual and hearing disabilities to safely navigate to and through the facility. Wayfinding assistance can include providing tactile (touchable) indication of pathways and bus boarding areas as well as higher tech approaches such as audible information (that can be heard). Audible information, such as announcements over the public address system, also need to be provided in a visual format so that people with hearing disabilities have access to the same information. Easter Seals Project ACTION's [Improving Transit Facility Accessibility by Employing Wayfinding Technology Information Brief](#) provides more

information on this topic. [TCRP Research Report 248: Tactile Wayfinding in Transportation Settings for Travelers Who Are Blind or Visually Impaired](#) is available in pre-publication format at the time of this writing.

Also see the New Developments section of this Toolkit for information about applications that support Persons with Disabilities.

Equivalent Facilitation

Equivalent facilitation is the process for requesting permission to depart from the technical standards in the DOT ADA regulations and to use alternative designs or technologies that provide equal or greater accessibility. Requests for determinations of equivalent facilitation are made to, and determinations are made by, the Administrator of the concerned U.S. DOT operating administration, in this case FTA, with concurrence from the Office of the Secretary of Transportation. Transit agencies can request permission from FTA to depart from the standards for transportation vehicles and facilities. The ability to make requests for determinations of equivalent facilitation is found in [Section 37.7\(b\)](#) for vehicles and [Section 37.9\(d\)](#) for facilities. For transit agencies pursuing equivalent facilitation, significant public participation is required, including consultation with individuals with disabilities and groups representing them in the community, at all stages of the development of the request for equivalent facilitation. For more information, see [Chapter 5 of FTA ADA Circular 4710.1](#).

Section Sources

- [28 CFR Part 35 - Nondiscrimination on the Basis of Disability in State and Local Government Services](#)
- [49 CFR Part 37- Transportation Services for Individuals with Disabilities \(ADA\)](#)
- [49 CFR Part 37, Appendix A - ADA Standards for Transportation Facilities](#)
- [49 CFR Part 38- Americans with Disabilities Act \(ADA\) Accessibility Specifications for Transportation Vehicles](#)
- [American Public Transportation Association, Bus Procurement Guidelines](#)
- [Easter Seals Project ACTION, Effective Snow Removal for Pathways and Transit Stops](#)
- [Easter Seals Project ACTION, Improving Transit Facility Accessibility by Employing Wayfinding Technology Information Brief](#)
- [Easter Seals Project ACTION, Toolkit for the Assessment of Bus Stop Accessibility and Safety](#)
- [FTA Circular 4710.1, Americans With Disabilities Act \(ADA\): Guidance](#)
- [Hunter-Zaworski, K.M. and Uwe Rutenberg, TCRP Report 171: Use of Mobility Devices on Paratransit Vehicles and Buses](#)
- Michigan Department of Transportation (MDOT), [MDOT's Small Light-Duty Bus Specifications](#) and [Full-size Van Specifications](#)
- [New England ADA Center, ADA Title II Action Guide for State and Local Governments](#)

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- [Northwest Pennsylvania Regional Planning and Development Commission, Bus Stop Inventory, Assessment, and Recommendations](#)
- [Northwest Pennsylvania Regional Planning and Development Commission, Bus Stop Guidelines: Design and Amenity Standards developed by the Northwest Commission](#)
- [Texas Transportation Institute, TCRP Report 19: Guidelines for the Location and Design of Bus Stops](#)
- [Thatcher, Russell, Caroline Ferris, David Chia, Jim Purdy, Buffy Ellis, Beth Hamby, Jason Quan, and Marilyn Golden. TCRP Report 163, Strategy Guide to Enable and Promote the Use of Fixed-Route Transit by People with Disabilities](#)
- [O'Brien, S. W., A. West, B. Lan, A. Scott, B. Bentzen, L. Myers, J. Graham, B. Schroeder, L. Rodegerdts, P. Ryus, S. Brown, and M. Walker. 2024. Tactile Wayfinding in Transportation Settings for Travelers Who Are Blind or Visually Impaired. TCRP Research Report 248. Transportation Research Board, Washington, DC. \(Pre-Publication\)](#)
- [U.S. Access Board website](#)
- [U.S. Access Board, ADA Accessibility Guidelines and Standards for Transportation Vehicles](#)
- [U.S. Access Board, ADA Standards for Transportation Facilities](#)
- [U.S. DOT, Final Rule Adopting New Accessibility Standards, October 30, 2006](#)

Accommodating Riders Using Mobility Devices

This section outlines the requirements to accommodate riders who use wheelchairs and other mobility devices on transit systems. This section builds upon the [General Requirements for All Service Types](#) section of the Toolkit. As introduced in the General Requirements section, transit agencies are required to maintain accessibility features including vehicle lifts and ramps, ensure they are in operating condition, and accommodate individuals and their mobility devices if the lift and vehicle can accommodate them. This section of the Toolkit provides more in-depth information on accommodating riders with mobility devices than is provided in the General Requirements section. It is organized into the following subsections:

- Types of Mobility Devices
- Ensuring Transit Vehicles and Facilities Can Physically Accommodate Riders Using Mobility Devices
 - Accessible Vehicles
 - Accessible Facilities
 - Ensuring Accessibility Features Work
- Operating Policies on Accommodating Riders Using Mobility Devices
 - Using Accessibility Features
 - Deploying Lift at Any Stop
 - Adequate Time to Board
 - Allowing Standees on Lifts/Ramps
 - Boarding Direction
 - Pushing Manual Wheelchair onto Lift or Ramp
 - Accommodating Riders Who Use Wheelchairs if the Lift and Vehicle Can Physically Accommodate Them
 - Accommodating Bariatric Riders Who Use Mobility Devices
 - Access to Securement Area
 - Use of Securement Devices
 - Use of Seat Belts and Shoulder Harnesses
 - Requesting that Riders Transfer to a Seat
 - Strollers as Mobility Devices
 - Other Considerations for Assisting Riders Who Use Mobility Devices
- Section Sources

The primary sources of information presented in this section are the U.S. Department of Transportation (DOT) regulations in [49 CFR Part 37- Transportation Services for Individuals with](#)

[Disabilities \(ADA\)](#), [49 CFR Part 38 - Accessibility Specifications for Transportation Vehicles, Subpart B](#), and [FTA Circular 4710.1, Americans with Disabilities Act \(ADA\): Guidance](#). Readers are also encouraged to review National RTAP's [Oversized Wheeled Mobility Devices](#) Technical Brief as well as the U.S. DOT [Questions and Answers Concerning Wheelchairs and Bus and Rail Service Disability Law Guidance](#) web page.

Types of Mobility Devices

Mobility devices assist people with disabilities with locomotion. A wheelchair is a type of mobility device. This section of the Toolkit primarily focuses on the types of mobility devices that fall under the U.S. DOT ADA definition of wheelchair. The U.S. DOT defines a wheelchair as “a mobility aid belonging to any class of three- or more-wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered” [49 CFR Section 37.3]. This definition includes three-wheeled scooters.

Other types of mobility devices include canes, crutches, and walkers. These other devices must be accommodated by transportation providers on the same basis as wheelchairs, as stated in Appendix D to 49 CFR Part 37, under Section 37.3.

As explained in Appendix D to 49 CFR Part 37, under Section 37.3, as well as in Section 2.4.2 of [FTA ADA Circular 4710.1](#), devices that are not primarily designed for use by individuals with mobility impairments, such as shopping carts, bicycles, and skateboards, are not required to be accommodated. Transit agencies may also be asked to accommodate a shared mobility device, such as a two-wheeled scooter or e-scooter, on the vehicle when the device is used by a rider with a disability as a mobility device.

It should be noted that the term “scooter” in the context of shared mobility, microtransit, or shared micromobility generally refers to two-wheeled scooters on which the user stands. This type of device is different from the 3-wheeled (or more) scooter that falls under the U.S. DOT ADA regulation definition of “wheelchair,” on which the user sits. However, a two-wheeled scooter could be used as a mobility device by some individuals with disabilities.

Section 2.4.2 of [FTA ADA Circular 4710.1](#) also notes that transit agencies are not required to permit other types of assistive devices to be used in ways that depart from or exceed their intended uses. The circular provides the example of walkers with built-in seats: transit agencies are not required to permit riders who use these devices to ride in securement areas while seated on their walkers; these individuals can be required to transfer to a vehicle seat. Also note that U.S. DOT definition of wheelchair is different from that of the U.S. Department of Justice (DOJ). In [Section 35.104 of 28 CFR Part 35](#), U.S. DOJ defines a wheelchair as “a manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor locomotion.” The U.S. DOJ definitions also include the term “other power-driven mobility device” which is defined as “any mobility device powered by batteries, fuel, or other engines—whether or not designed primarily for use by individuals with mobility disabilities—that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning of this section” [[28 CFR Part 35 Section 35.104](#)].

Additional Resources

[ADA.gov](#) offers two webpages: [Mobility Devices](#) which is dedicated to the basic topic of mobility devices and [ADA Requirements: Wheelchairs, Mobility Aids, and Other Power-Driven Mobility Devices \(2020\)](#) that focuses on how the ADA rules for mobility devices apply to businesses and non-profit organizations that serve the public.

[TCRP Report 171: Use of Mobility Devices on Paratransit Vehicles and Buses \(2014\)](#). The focus of this report is on accommodating the wide range of mobility devices used in the U.S.. It summarizes research on equipment design and challenges in securing different types of devices, Trends in equipment design discussed in this report include not only mobility devices but also in transit vehicle design, including lifts, ramps, interior layout, securement systems, seating, and fare payment equipment.

Ensuring Transit Vehicles and Facilities Can Physically Accommodate Riders Using Mobility Devices

Accessible Vehicles

An accessible vehicle is needed to accommodate riders using mobility devices that fall under the U.S. DOT definition of wheelchair. All vehicles acquired for use in fixed route public transit service, by a public entity or by a private entity considered to be “standing in the shoes” of a public entity, must be accessible. The vehicles acquired for use in providing demand response service must also be accessible, unless the demand response system, when viewed in its entirety, provides equivalent service to individuals with disabilities.

When procuring new passenger vehicles that are required to be accessible, the vehicles must be manufactured to comply with U.S. DOT ADA regulations. Minimum vehicle accessibility specifications for buses and vans are defined in [49 CFR Part 38](#), Accessibility Specifications for Transportation Vehicles, Subpart B. The [Vehicle and Facility Accessibility](#) section of this Toolkit summarizes the accessibility features and specifications that are required under [49 CFR Part 38](#).

The standards represent minimum specifications. Transit agencies can acquire vehicles that exceed these specifications in order to accommodate more riders who use mobility devices. For example, [49 CFR Part 38](#) requires that vehicles in excess of 22 feet have at least two securement locations, and smaller vehicles to have at least one [Section 38.23(a)]. However, a transit agency that serves a high number of riders with disabilities may elect to procure vehicles with three or more securement positions. Chapter 4 of TCRP Report 163: [Strategy Guide to Enable and Promote the Use of Fixed-Route Transit by People with Disabilities](#) provides several examples of transit vehicles that allow for more than two wheelchair positions.

Another example of exceeding minimum specifications involves the weight capacity of lifts. [49 CFR Part 38](#) requires that vehicle lifts accommodate a minimum of 600 pounds [Section 38.23(b)]. Transit agencies may wish to procure vehicles with lifts that accommodate a higher weight.

Accessible Facilities

Riders who use mobility devices also need access to facilities in the transit system, including bus stops, shelters, transit centers, customer service offices, sidewalks, and other structures. New public transportation facilities constructed by public entities (and private entities that “stand in the shoes” of a public entity) must be readily accessible to and usable by individuals with disabilities, including

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individuals who use wheelchairs and other mobility aids [49 CFR Section 37.41]. If a public entity alters an existing facility or part of an existing facility used for providing designated public transportation services, and that alteration affects or could affect the usability of the facility, alterations must be made in a way that is readily accessible to and usable by individuals with disabilities [Section 37.43]. This applies to improvements made at bus stops, such as installing shelters or constructing sidewalks. The [Vehicle and Facility Accessibility](#) section of this Toolkit summarizes the accessibility standards for transit facilities.

Ensuring Accessibility Features Work

In addition to having accessible infrastructure in place, a transit agency also must ensure that vehicles and facilities are maintained in operative condition so that they are usable by individuals with disabilities [49 CFR Section 37.161(a)]. This includes keeping vehicle lifts/ramps in operative condition through a system of regular and frequent maintenance checks of lifts [49 CFR Section 37.163(b)], such as cycling the lift as part of each pre-trip inspection as well as conducting interval-based preventive maintenance. All accessibility features must be promptly repaired if they are damaged or out of order, and reasonable steps to accommodate individuals with disabilities who would otherwise use the feature must be taken until it has been repaired [49 CFR Section 37.161(b)]. More information on this requirement is provided in the [General Requirements for All Service Types](#) section of this Toolkit.

As discussed in the [Fixed Route Requirements](#) section of this Toolkit, when a lift on a fixed route vehicle is found to be inoperative, and there is a spare vehicle available, the vehicle with the inoperative lift must be taken out of service before the beginning of the vehicle's next day of service and the lift must be repaired before the vehicle returns to service. If there is not a spare vehicle available, or if taking the vehicle out of service would reduce the availability of transportation service provided, a transit agency may keep the vehicle with the inoperative lift in service for no more than five days in a rural area (or three days in areas with a population of over 50,000) [49 CFR Section 37.163(e)].

Operating Policies on Accommodating Riders Using Mobility Devices

Many of the following operating policy requirements are also addressed in the [General Requirements for All Service Types](#) section of this Toolkit. National RTAP's [ADA Topic Guide](#) provides additional relevant resources. National RTAP's eLearning course on [ADA Driver Training](#) also includes links to videos on lift deployment.

Using Accessibility Features

Transit agencies must ensure that vehicle drivers and other personnel make use of the required accessibility-related equipment or features [Section 37.167(e)]. As discussed in [FTA ADA Circular 4710.1](#), it is not enough for a transit agency to have the accessibility-related equipment or features. Staff must use the equipment or feature (such as deploying lifts and ramps) in order to provide accessible service to riders. In addition, staff must be trained to proficiency in the safe use of the accessibility equipment [Section 37.173].

Deploying Lift at Any Stop

Transit agencies must permit a passenger who uses a lift to disembark from a vehicle at any designated stop, unless the lift cannot be deployed, the lift will be damaged if it is deployed, or

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temporary conditions at the stop, not under the control of the transit operator, preclude the safe use of the stop by all passengers [[Section 37.167\(g\)](#)].

Adequate Time to Board

Transit agencies must provide individuals with disabilities adequate time to complete boarding or disembarking from the vehicle [[49 CFR Section 37.167\(i\)](#)]. Riders who use mobility devices typically need a little extra time to board and disembark, because of the time involved in deploying the lift or ramp as well as in securing the mobility device and releasing it at the rider's destination. Transit agencies should build a cushion into fixed route schedules (often referred to as recovery time) to ensure that fixed routes can both stay on time and accommodate riders with disabilities. Likewise, when scheduling rides on demand response service, additional boarding time should be factored in for riders who use mobility devices.

Allowing Standees on Lifts/Ramps

Transit agencies must permit individuals with disabilities who do not use wheelchairs, including standees, to use a vehicle's lift or ramp to enter the vehicle [[Section 37.165\(g\)](#)]. This applies to riders who use canes, crutches, walkers, or other mobility devices (as well as riders with disabilities who do not use any type of assistive device) who request use of the lift or ramp [[Section 37.165 of Appendix D to Part 37](#)].

Boarding Direction

Transit agencies must permit a rider using mobility devices to use the lift either facing into the vehicle or facing out from the vehicle. Under [49 CFR 38.23\(b\)\(11\)](#), lifts must permit both inward and outward facing of wheelchair and mobility aid users.

Pushing Manual Wheelchair onto Lift or Ramp

Transit agency personnel are required to assist individuals with disabilities with the use of securement systems, ramps and lifts [[Section 37.165\(f\)](#)]. As stated in Section 2.5.1 of [FTA ADA Circular 4710.1](#), transit agency personnel may also need to assist riders who use manual wheelchairs on and off lift platforms, or up and down ramps. This requirement is discussed in [Appendix D to Part 37, Section 37.165](#), which states that the driver may have to assist in pushing a manual wheelchair up the ramp (particularly where the ramp slope is relatively steep).

The ADA requires that drivers provide assistance for riders to use public transit including boarding, disembarking, and using accessible features of the vehicle. The requirement to provide this assistance should be included as part of the driver job description. Drivers are expected to perform the duties and tasks of the job. However, drivers have different physical abilities, and may not all be able to push all riders in mobility devices to assist them with the ramp or lift. If a driver is unable to perform the tasks required of the job, the transportation provider will need to determine if accommodations should be made to assist this driver to fully meet job requirements. Reassignment to routes where such assistance is not likely to be needed might be an example of such an accommodation.

[FTA ADA Circular 4710.1](#) notes that the regulations do not set a minimum or maximum weight for an occupied wheelchair that drivers are obligated to help propel but indicates that the assistance would not be required if it would constitute a direct threat to the health or safety of the driver, and that transit agencies will need to assess whether a particular level of assistance constitutes a direct threat on a case-by-case basis.

Accommodating Riders Using Mobility Devices

It is possible that there may be situations where pushing an individual in a manual wheelchair could present a direct threat to the health or safety of a driver. As stated in Section 2.5.1 of [FTA ADA Circular 4710.1](#), “The driver needs to assist an individual with using a ramp, assuming the level of assistance is reasonable and does not constitute a direct threat to the health or safety of the driver. The regulations do not set a minimum or maximum weight for an occupied wheelchair that drivers are obligated to help propel. Transit agencies will need to assess whether a particular level of assistance constitutes a direct threat on a case-by-case basis.” A transit agency with a specific situation that it believes could present a direct threat to the health or safety of a driver may wish to consult their agency's legal counsel or request technical assistance from their Regional Civil Rights Officer (RCRO) at their [FTA Regional Office](#) or the FTA Headquarters Office of Civil Rights via email to FTACivilRightsCommunications@dot.gov or its toll-free hotline at (888) 446-4511.

Accommodating Riders Who Use Wheelchairs if the Lift and Vehicle Can Physically Accommodate Them

U.S. DOT requires that transit agencies provide transportation for all people with disabilities and must transport the wheelchair and occupant if the lift and vehicle can accommodate the wheelchair and occupant [[Section 37.165\(b\)\(1\)](#)]. Transit agencies should document the capacities of their lifts and vehicles.

[49 CFR Part 38](#) requires that vehicles accommodate occupied wheelchairs weighing a minimum 600 pounds and measuring 30” x 48.” However, many vehicles and lifts are manufactured to accommodate larger and heavier wheelchairs. A transit system is obligated to carry a wheelchair and occupant if the lift and vehicle can physically accommodate them, unless doing so is inconsistent with legitimate safety requirements. “Legitimate safety requirements” include such circumstances as a mobility device of such size that it would block an aisle or would interfere with the safe evacuation of passengers in an emergency [[49 CFR Section 37.165](#) and [Appendix D to Part 37 under Section 37.165](#)].

For ADA complementary paratransit, transit agencies should disclose such information in the application materials. The best way to figure this out is to try to board the person. Transit drivers can request to test this before a trip (for example, as part of the ADA complementary paratransit eligibility determination process) if there are legitimate concerns about the whether a person is able to safely board the bus. Transit agencies may also want to include lift capacity ratings in their standard ridership policies, not just for ADA complementary paratransit applications.

In some cases, riders may be able to board separately from their mobility devices. However, this may require the assistance of a personal care assistant (PCA), which a transit agency is not required to provide. For additional discussion, see Section 2.4.1 of [FTA ADA Circular 4710.1](#).

Accommodating Bariatric Riders Who Use Mobility Devices

There is a potential way to accommodate a rider using a wheelchair or other mobility device that together are too heavy to be safely accommodated on the lift. Provided that the weight of the individual or the device alone does not exceed the design load for the vehicle lift, the individual could potentially board separately from the device. Example 8 in [Appendix E to 49 CFR Part 37](#) states that the transit agency should generally grant a wheelchair user's request to board a fixed route or paratransit vehicle separately from their device when the occupied weight of the device exceeds the design load of the vehicle lift as a reasonable modification of policy.

Accommodating Riders Using Mobility Devices

Before attempting to board a rider on fixed route, ADA complementary paratransit, or demand response bus service, transit agency personnel could validate the design load of the lift specifications and ask the rider if the combined weight of the occupied wheelchair exceeds this amount.

The Transit Access Report, Volume 31, Number 7 (September 23, 2024), includes a recommendation from the Federal Transit Administration’s Office of Civil Rights (FTA OCR) on how to deal diplomatically with a heavy occupied wheelchair. In response to a question summarized here, the FTA OCR recommends that other factors be considered before verifying the weight of the rider. Specifically, test the lift by placing 600 pounds of ballast on the platform of the lift to ensure that it meets the required design load. If the lift cannot function properly with the 600-pound threshold, then the lift fails to meet ADA requirements. According to the report, if the lift functions properly after that test, the subrecipient can request verifying the customer’s weight; however, the burden is on the subrecipient to acquire the weight through either locating or sourcing an accessible scale. It is best for the subrecipient to not rely on medical information as the reported weight often depends on a physician’s best guess.

In situations where the combined weight of the person and their mobility device exceeds the design load for the vehicle lift, the transit agency should offer the rider the option of boarding separately from the mobility device. Another individual, such as a personal care attendant (PCA), would need to operate the unoccupied mobility device. The transit agency is not required to provide a PCA. As stated in Section 2.4.1 of [FTA ADA Circular 4710.1](#), vehicle operators are not required to assume the controls of power wheelchairs to assist riders with boarding vehicles. Providing assistance with a power wheelchair falls under the category of attendant-type services, which the regulations do not require. Example 27 in [Appendix E to Part 37](#) states that hand-carrying a passenger is also a PCA-type service. The regulations do not require transit agency personnel to ride the lift with the rider.

Any denial of service to a passenger must be documented and a detailed description of the reason for denial must be kept on file and provided to the passenger. In the case of ADA complementary paratransit eligibility denial, the rider must have an opportunity to appeal the decision [[Section 37.125\(g\)](#)].

Access to Securement Area

Riders who use wheelchairs (as defined by U.S. DOT) need access to one of the securement areas on a vehicle in order to ride. Under [49 CFR Section 37.167\(j\)](#), when an individual, because of a disability, needs to occupy a wheelchair securement location, and individuals are occupying the securement location, the driver must ask the other individuals (including other individuals with disabilities) to move so that the individual with a disability can occupy the needed location. The transit agency has an obligation to ask them to move but is not required to enforce the request if the other individuals refuse. Section 6.3 of [FTA ADA Circular 4710.1](#) provides additional information about this requirement.

Note that there is nothing in the U.S. DOT ADA regulations that requires a transit agency to install fold-down seating in the securement area, although such seats are permitted under [49 CFR Section 38.23\(d\)\(2\)](#) so long as they do not obstruct the securement area when it needs to be occupied by a person using a wheelchair. Also referred to as “flip” seats, fold-down seats fold up when the securement area is needed, and can fold down for use by other riders when the securement area is not needed. Fold-down seats installed in the securement area are often designated as priority seating for seniors and people with disabilities. Transit agencies are allowed to remove seating from the securement area, as long as priority seating meeting the regulatory requirements in [49 CFR Section 38.27](#) is provided elsewhere in the vehicle.

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Transit agencies are not required to permit wheelchairs to ride in places other than designated securement locations [[49 CFR Section 37.165](#)], nor are they required to permit other types of mobility devices to occupy the securement locations. Transit agencies can require an individual using a device other than a wheelchair, such as a walker with a built-in seat, to transfer to a vehicle seat, as noted in Section 2.4.2 of [FTA ADA Circular 4710.1](#).

Use of Securement Devices

Transportation providers are required to use the securement system to secure wheelchairs and may or may not require that an individual permit their wheelchair to be secured. However, the agency may not deny transportation to a wheelchair or its user on the grounds that the device cannot be secured or restrained satisfactorily by the vehicle's securement system [[49 CFR Section 37.165](#)]. On the other hand, a transit agency is not required to transport an individual who *refuses* to allow their wheelchair to be secured if the agency's policy requires securement [[FTA ADA Circular 4710.1, Section 2.4.3, page 2-14](#)].

If the agency's vehicle does not have the appropriate securement system or the available securement equipment will not secure the rider's mobility device, the driver must give the rider the option to ride without securement [[Section 37.165\(d\)](#)]. If the rider chooses to ride unsecured, then the ride must be given.

If a transit agency's policy requires mobility devices to be secured according to the manufacturer's recommendation, a rider would be violating the policy by refusing to allow the device to be secured [[Section 37.165\(c\)](#)]. However, if there is no policy, or if the securement system does not fit or is not secured to the driver's satisfaction, the rider must still be provided the ride [[Section 37.165\(d\)](#)].

If the wheelchair securement system is found to be inoperable during a trip with a rider in a mobility device, the bus driver must continue taking that person to their destination if the rider so wishes. The inoperable securement system must be repaired promptly [[Section 37.161](#)]. It is recommended to inform the rider that a substitute vehicle could be dispatched with an appropriate and operable securement system.

Some transit agencies provide the rider using the mobility device with tether straps or loops to secure to their device, and then use the vehicles securement system to connect with the tether straps/loops. More information about this approach can be found in Chapter 4 of [TCRP Report 163: Strategy Guide to Enable and Promote the Use of Fixed-Route Transit by People with Disabilities](#) (see pages 32-33).

Wheelchairs meeting the standard set by the American National Standards Institute (ANSI)/Rehabilitation Engineering & Assistive Technology Society of North America (RESNA), ANSI/RESNA standard WC-19 have standardized securement attachment points. For more information on this standard and its applicability to transit and wheelchair transportation, see University of Michigan Transportation Research Institute's summary of [WC19: Wheelchairs](#).

Use of Seat Belts and Shoulder Harnesses

In addition to a securement system for the mobility device (wheelchair), vehicle standards in [49 CFR Part 38](#) require a seat belt and shoulder harness for the user of the mobility device. Such seat belts and shoulder harnesses must never be used without also ensuring that the wheelchair itself is secured [[Section 38.23 \(d\)\(7\)](#)]. Transit agency personnel must assist with securing the seat belt and shoulder harness upon request as part of the overarching requirement to make use of the accessibility features.

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However, a transit agency cannot require that individuals using wheelchairs use seat belts and shoulder harnesses, unless this is the policy for all riders, including those sitting in vehicle seats.

According to Section 2.4.4 of [FTA ADA Circular 4710.1](#), in some cases, state law could require an operator to adopt such a policy based on size/weight of the vehicle. Unless prohibited by state law, FTA encourages transit agencies that do require seat belts for all riders to have a policy that allows a rider to present documentation demonstrating that using seat belts and shoulder harnesses would pose a health hazard and allow that rider to travel without a seat belt and shoulder harness.

Transit agencies must note that [49 CFR 38.23\(d\)\(7\)](#) prohibits the use of seat belts and shoulder harnesses in lieu of a device which secures the wheelchair or mobility aid itself. This means that if the rider's wheelchair cannot be secured, the seat belt and shoulder harness must not be used.

For more information on seat belts, see U.S. DOT [Questions and Answers Concerning Wheelchairs and Bus and Rail Service Disability Law Guidance](#) web page.

Requesting that Riders Transfer to a Seat

Transit agencies cannot require that a rider using a wheelchair transfer to a vehicle seat; however, they can make a recommendation to that effect [[Section 37.165\(e\)](#)]. They may not require a rider to sign any kind of waiver should they choose not to transfer.

As stated under Section 2.4.5 of [FTA ADA Circular 4710.1](#), the regulations do not address the opposite scenario of riders wishing to transfer from their wheelchairs into vehicle seats. In these situations, FTA suggests honoring the request, but drivers are not required to lift the person or provide other attendant-type services to facilitate the transfer.

However, if the wheelchair is collapsible, and the rider chooses to transfer to a seat, the driver should assist the rider as they would with any mobility device. This would include assistance in folding, storing, and/or securing the device.

Section 2.4.2 of [FTA ADA Circular 4710.1](#) notes that transit agencies can require an individual using a walker with a built-in seat to transfer to a vehicle seat.

Strollers as Mobility Devices

If a stroller is designed to be used by an individual with a disability—child or small adult, the stroller is a mobility device. [49 CFR 37.3](#) defines a wheelchair as a mobility aid belonging to any class of three- or more-wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered. A mobility stroller meeting this definition is a wheelchair. A three- or more-wheeled stroller that is usable indoors and designed or modified for and used by an individual with a mobility impairment meets the U.S. DOT definition for a wheelchair. Children with disabilities in strollers need to be accommodated in the same manner as those riding in wheelchairs and other mobility devices.

A March 29, 2019 letter from FTA underscores the U.S. DOT definition of wheelchair, the requirement to accommodate other types of mobility devices on the same basis as wheelchairs, and the requirement to accommodate on the lift people with disabilities who do not use wheelchairs. This letter was in response to a complaint which alleged that a transit driver refused to deploy the vehicle lift/ramp for a child with a disability in an adaptive wheelchair stroller and refused to secure the device. Another complaint regarding a driver's alleged refusal to deploy the ramp for a passenger traveling with her daughter who uses a pediatric wheelchair was addressed in an FTA letter dated February 20, 2019. FTA's letters in response to both of these complaints found that the transit

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agency policies for this situation complied with U.S. DOT requirements. In both cases, the driver did not follow the transit agency's policies. A bus driver may be unable to discern if a stroller is being used by an individual with a disability; however, drivers must deploy the lift or ramp upon request for a person with a disability, whether or not the person uses a wheelchair, and transit agencies must ensure personnel understand this requirement.

Many transit agencies have policies requiring strollers to be folded and stowed on the vehicle, and some require folding a stroller before boarding the vehicle. A suggested practice for transit systems with such a policy is to instruct transit drivers to ask if the lift or ramp is needed to accommodate an individual with a disability, and if the answer is yes, to deploy the lift or ramp. Even if the child occupying the stroller does not have a disability, the individual pushing the stroller might have a disability that prevents them from folding the stroller and carrying the stroller and child. This is technical assistance and not legal advice; those seeking legal advice should consult counsel.

Other Considerations for Assisting Riders Who Use Mobility Devices

Transit agencies may establish a policy about stowing mobility aids and other items riders bring on board, such as baby strollers and shopping carts. The ADA requires that the policy be administered in a way so that it is not discriminatory to persons with disabilities. Therefore, a policy about not blocking the aisle should be applied to all riders and not just to mobility aid users. It is also recommended that drivers be trained on the best way to stow the items and how to offer assistance to riders, if needed.

Transit agencies may also have local policies about how best to respond when a rider is using a mobility device for carrying personal belongings, such as groceries. The question is whether the bus driver is required to transport the mobility device as if the person were riding in the device. [Section 37.3 of Appendix D to 49 CFR Part 37](#) states that U.S. DOT “does not interpret its rules to require transportation providers to permit an assistive device to be used in a way that departs from or exceeds the intended purpose of the device.” Section 2.4.2 of [FTA ADA Circular 4710.1](#) notes that transit agencies are not required to permit riders who use walkers with built-in seats to ride in securement areas while seated on their walkers, meaning that transit agencies can require these individuals to transfer to a vehicle seat.

Importantly, individuals who occupy wheelchairs should have priority access to the wheelchair securement positions, and the driver of the vehicle is required to ask (but not required to compel) other riders to move to other seats [[Section 37.167\(j\)](#)].

Transit agency personnel must be trained to proficiency not only in safe operation of equipment but also in properly assisting and treating individuals with disabilities who use the service in a respectful and courteous way. The [Rider Assistance and Customer Service](#) section of this Toolkit provides customer service guidelines for riders with different kinds of disabilities, including those who use wheelchairs. National RTAP's [ADA Topic Guide](#) provides relevant training resources.

Transit agencies may also have local policies about how best to respond when transit operators are asked to operate power wheelchairs. As stated in Section 2.4.1 of [FTA ADA Circular 4710.1](#), vehicle operators are not required to assume the controls of power wheelchairs to assist riders with boarding vehicles. Allowing operators to operate power wheelchairs on the rider's behalf is considered unsafe and should not be allowed. This includes signing liability forms. Transit agency personnel are required to assist individuals with disabilities with the use of securement systems, ramps, and lifts [[Section 37.165\(f\)](#)]. As stated in Section 2.5.1 of [FTA ADA Circular 4710.1](#), transit agency personnel may also need to assist riders who use manual wheelchairs on and off lift

platforms, or up and down ramps. This requirement is discussed in [Appendix D to Part 37, Section 37.165](#), which states that the driver may have to assist in pushing a manual wheelchair up the ramp (particularly where the ramp slope is relatively steep).

There may be circumstances in which a rider boards the bus with a damaged walker or wheelchair. The wheelchair or other mobility device may be damaged as the result of an action by the rider, who was in control of the device at the time. For example, a passenger riding a scooter might run into a fixed object, damaging the scooter. In such a case, the transit agency should consult with legal counsel on how to best to resolve the situation.

This section has summarized operating policy requirements related to serving riders who use mobility devices. Transit agencies may also receive requests for reasonable modification of policies from riders related to accommodating their mobility device. The requirement to consider reasonable modification requests is discussed in the [General Requirements for All Service Types](#) section of this Toolkit . Examples of such requests from riders who use mobility devices, from [Appendix E to 49 CFR Part 37](#), include positioning a vehicle to avoid obstructions to the passenger's ability to enter or leave the vehicle at a designated stop location (which should generally be granted), boarding separately from the rider's wheelchair (which should generally be granted, although the transit agency would not be responsible for operating the wheelchair), assistance with navigating an incline or around obstacles (which should generally be granted unless it would create a direct threat to the health or safety of the driver, or leave the vehicle unattended or out of visual observation for a lengthy period of time), and hand-carrying (which would be a PCA-type of service). Readers should carefully review [Appendix E to Part 37 – Reasonable Modification Requests](#).

Section Sources

- [28 CFR Part 35, Nondiscrimination on the Basis of Disability in State and Local Government Services](#)
- [49 CFR Part 37—Transportation Services for Individuals with Disabilities \(ADA\)](#)
- [49 CFR Part 38—Americans with Disabilities Act \(ADA\) Accessibility Specifications for Transportation Vehicles](#)
- [ADA.gov. ADA Requirements: Wheelchairs, Mobility Aids, and Other Power-Driven Mobility Devices, Mobility Devices](#)
- FTA, Letter of Finding in response to FTA Complaint No. 18-0323, March 29, 2019
- FTA, Letter of Finding in response to FTA Complaint No. 18-0185, February 20, 2019
- [FTA Circular 4710.1, Americans With Disabilities Act \(ADA\): Guidance](#)
- [Hunter-Zaworski, K.M. and Uwe Rutenberg, TCRP Report 171: Use of Mobility Devices on Paratransit Vehicles and Buses](#)
- [National RTAP Oversized Wheeled Mobility Devices Technical Brief](#)
- [National RTAP ADA Topic Guide](#)
- [Thatcher, Russell, Caroline Ferris, David Chia, Jim Purdy, Buffy Ellis, Beth Hamby, Jason Quan, and Marilyn Golden. TCRP Report 163, Strategy Guide to Enable and Promote the Use of Fixed-Route Transit by People with Disabilities](#)

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- [Transit Access Report, Volume 31, Number 7 \(September 23, 2024, Email Edition\)](#)
- [University of Michigan Transportation Research Institute, web page on WC19: Wheelchairs](#)
- [U.S. Department of Transportation Final Rule on Transportation for Individuals with Disabilities at Intercity, Commuter, and High-speed Rail Platforms; Miscellaneous Amendments, Federal Register, Vol. 76, No. 181, Sept. 19, 2011](#)
- [U.S. Department of Transportation Final Rule on Transportation for Individuals With Disabilities; Reasonable Modification of Policies and Practices, Federal Register, Vol. Vol. 80, No. 49, March 13, 2015](#)
- [U.S. Department of Transportation Questions and Answers Concerning Wheelchairs and Bus and Rail Service, Disability Law Guidance, February 4, 2013 / Updated: Wednesday, March 16, 2016](#)
- [U.S. Department of Transportation Use of "Segways" on Transportation Vehicles Disability Law Guidance, Sept. 1, 2005 updated September 1, 2015](#)

Service Animals

Transportation providers must allow service animals to accompany individuals with disabilities in vehicles and facilities [[49 CFR Part 37, Section 37.167\(d\)](#)]. This section of the ADA Toolkit is organized in the following subsections:

- Definition of a Service Animal
 - U.S. DOT Definition
 - Other Federal Definitions
- Determining Whether or Not an Animal is a Service Animal
- Other Considerations about Accommodating Service Animals
- Case Study: Lane Transit District’s “Paw Print Endorsement” Approach
- Additional Resources on Service Animals
- Section Sources

Definition of a Service Animal

U.S. DOT Definition

The U.S. Department of Transportation (DOT) defines a service animal as “any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.” This is the definition with which the operators of public transit service must comply, and it can be found in [Section 37.3 of 49 CFR Part 37- Transportation Services for Individuals with Disabilities \(ADA\)](#).

As stated in [Appendix D to 49 CFR Part 37](#), one of the most common misunderstandings about service animals is that they are limited to being guide dogs for persons with visual impairments. Dogs are trained to assist people with a wide variety of disabilities, including individuals with hearing and mobility impairments. Other animals are sometimes used as service animals as well, such as miniature horses, monkeys, birds, and potbellied pigs. Note that some persons with hidden disabilities use service animals, such as those that are trained to alert individuals with seizure disorders to an oncoming seizure or respond to a seizure.

The U.S. DOT definition in [Section 37.3](#) does not include emotional support or “comfort” animals which have not been trained to perform a task for an individual with a disability. A comfort animal provides comfort or emotional support just by being with the individual. As noted in [Section 2.6 of FTA ADA Circular 4710.1](#), simply providing comfort is something that an animal does passively. However, a psychiatric support animal that is trained to perform a task for the individual (such as sensing an impending anxiety attack and taking an action to avoid or reduce the attack) would be considered a service animal under the U.S. DOT definition.

Other Federal Definitions

There can be misunderstandings due to different definitions of service animal that apply in other contexts. For example, in 2010, the U.S. Department of Justice (DOJ) amended its definition of a service animal to include only dogs and miniature horses. While this definition generally applies in places of public accommodation, it does not apply in public transportation facilities or vehicles, which are subject to the U.S. DOT definition.

Another definition that applies to a different mode of transportation is that of the Air Carrier Access Act (ACAA). Under the ACAA, the definition of service animal does include animals that provide emotional support (comfort animals), but again, this is not the case for public transit agencies.

Also note that, even if a state legislature enacts a more restrictive definition of service animal, public transit agencies must continue to follow the U.S. DOT definition.

Determining Whether or Not an Animal is a Service Animal

As stated in Section 2.6 of [FTA ADA Circular 4710.1](#), transit agency personnel may ask riders two questions about the service animal: (1) Is the animal a service animal required because of a disability? and (2) What work or task has the animal been trained to perform? However, transit agencies cannot require special ID cards or other documentation that the animal is a service animal or ask about the person's disability. A case study provided later in this section of the Toolkit shares an approach developed by [Lane Transit District](#) to reduce potential confusion and conflicts in determining a service animal's status.

Other Considerations about Accommodating Service Animals

Transit agencies are not required to transport service animals that pose a direct threat to the health or safety of drivers or other riders, are seriously disruptive, or are otherwise not under the rider's control. The FTA Circular mentions biting as an example of a behavior that constitutes direct threat. A transit agency may also wish to prohibit aggressive behavior toward people or other animals. Repeated barking could be an example of not being under the rider's control. However, the FTA Circular notes that a dog that barks occasionally would likely not be considered out of the rider's control.

Control over the animal can be verbal and does not necessarily involve a leash or harness. In some cases, a service animal may be trained to provide assistance without a leash or harness. The requirement is that the animal be under control of the rider. Beyond that, there is no requirement that the animal be on a leash or harness.

Drivers are not required to take the leash or harness of a service animal. As a customer service, a driver could choose to provide this assistance when requested (for example, by a rider using a wheelchair who also uses a service animal), but FTA has stated that such a request may be denied because caring for a service animal is the responsibility of the rider or a personal care attendant (PCA) (Example 15 in [Appendix E to 49 CFR Part 37](#) as well as [FTA ADA Circular 4710.1](#)).

More than one service animal may accompany a rider on a single trip. Different service animals may provide different services to a rider during trips or at the rider's destination. Transit agency personnel can ask these two questions for each animal: (1) Is the animal a service animal required

because of a disability? and (2) What work or task has the animal been trained to perform? [Section 2.6 of [FTA ADA Circular 4710.1](#)].

Transit agencies cannot deny service to a person accompanied by a service animal on the basis of another individual's allergies. Encountering a service animal in a transit or other environment is an expected part of being in public. As such, allergies to service animals would not be grounds for denying service to a person accompanied by a service animal.

Note that the U.S. DOT ADA regulations do not prohibit a transit agency from establishing a local policy to accommodate comfort animals (defined earlier in this section) or even pets.

Transit agencies are not required to accommodate animals that are in training to become service animals, according to FTA. Accommodation of future service animals is optional to the transit agency. (December 2, 2024 Transit Access Report). While it is not a requirement, transit agencies may want to consider that it is a helpful practice for transportation providers to allow service animals in training to ride their buses as long as the animal is under the control of the animal handler. This is the way service animals learn to behave appropriately while on public transit.

For additional discussion and guidance on these and other considerations, see Section 2.6 of [FTA ADA Circular 4710.1](#).

Case Study: Lane Transit District's "Paw Print Endorsement" Approach

To minimize potential confusion about the status of an animal during boarding, Lane Transit District (LTD) in Oregon developed an approach that allows riders to answer questions about their service animal with an LTD staff member and receive a "paw print endorsement" on their rider card. LTD issues rider cards that can indicate a variety of different statuses, such as fixed route riders who qualify for half fare on the basis of disability. To qualify for the paw print endorsement, the rider responds to staff inquiries about the status of their service animal. Once a rider has this endorsement, the rider can display the card to the driver and board without needing to answer questions about their service animal at the time of boarding.

LTD does not require the paw print endorsement for service animals—it is voluntary (see note following the case study). Importantly, riders without an endorsement can still board with a service animal if they appropriately answer the two questions asked by the driver—no one is to be denied service because they lack the paw print endorsement, but this means having to answer these questions each time they board: (1) is the animal a service animal required because of a disability? and (2) what work or task has the animal been trained to perform?

An important element of the paw print endorsement process is that riders are educated on the behavioral standard that LTD holds to animals on the transit system as part of obtaining the endorsement. Behaviors that fall into the category of seriously disruptive, represent a direct threat to the health or safety of drivers or other riders, or are otherwise not under the rider's control are not allowed, whether or not the rider card has the endorsement.

The paw print endorsement approach was piloted by LTD in 2018, and participants reported that boarding the bus with a paw print on the rider card was faster and resulted in fewer conflicts. More information about [LTD's Service Animal Policy](#) is on the [LTD website](#) and in an [archived webinar](#) hosted in September 2019 by the Community Transportation Association of America (CTAA). [LTD's service animal preliminary report: best practices, policies and procedures.](#)

Service Animals

Note: One potential drawback to this approach is that, without periodic reminders or refresher training, drivers accustomed to the paw print endorsement may presume that it is a requirement to accommodating a service animal. Transit agencies considering following this example must ensure drivers do not require the endorsement. Again, transit agencies cannot require special ID cards or other documentation that the animal is a service animal.

Additional Resources on Service Animals

The [National Aging and Disability Resource Center \(NADTC\)](#) has many resources available that provide information about service animals and interacting with passengers who travel with service animals. Note that these resources have not been approved or endorsed by FTA. They are listed here as technical assistance resources.

Resources specifically about service animals include:

- [Facts about Service Animals and Transportation Bookmark](#)
- [Facts about Service Animals and Transportation Poster](#)
- [Frequently Asked Questions about Service Animals](#)

Other NADTC resources address service animals as one of many topics. For a complete list of relevant NADTC resources, see this Resource Library [results list](#). Again, these resources have not been approved or endorsed by FTA.

The Metropolitan Transit Authority (MTA) through its Office of ADA Compliance, also has a service animal voluntary identification (ID) card program. Riders may obtain and carry the card for convenience and may, on a voluntary basis, present the ID card to a transit employee or a police officer. More information on this program is available on the [MTA's Personal Care Attendants \(PCA\) and Service Animals, Reasonable Accommodations webpage](#). The [Voluntary Service Animal Identification Card application form](#) is also available online.

The [Invisible Disabilities® Association \(IDA\) web page](#) provides additional insight into the roles that service animals may play for riders. See their web articles: [Assistance animals assist people with various disabilities](#) and [What are the rules about service animals on public and private transportation?](#)

Section Sources

- [49 CFR Part 37- Transportation Services for Individuals with Disabilities \(ADA\)](#)
- [Ahlen, John, Lane Transit District, Lessons Learned from Lane Transit District's Service Animal Pilot Program webinar, hosted by the Community Transportation Association of America, Sept. 24, 2019, recording](#)
- [FTA Circular 4710.1, Americans with Disabilities Act \(ADA\): Guidance](#)
- [FTA website, DOJ Rule on Service Animals and Mobility Devices \(Note\)](#)
- Transit Access Report, December 2, 2024

Rider Assistance and Customer Service

This section of the Toolkit provides an overview of rider assistance and sensitivity requirements under the U.S. Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations, as well as good customer service practices and tips for serving riders with various disabilities. The information is organized into the following subsections:

- Personnel Training Requirements
- Customer Service Guidelines
 - General Guidelines for All Riders
 - Communication Tips
 - Serving Riders Hearing and Speech Impairments
 - Serving Riders with Vision Disabilities
 - Serving Riders Who Use Wheelchairs and Other Mobility Aids
 - Serving Riders Who Use Service Animals
 - Serving Riders with Intellectual and Developmental Disabilities
 - Serving Riders with Autism Spectrum Disorder (ASD) and Other Neurodivergent Riders
 - Serving Riders with Epilepsy
 - Serving Riders with Psychiatric Disabilities
 - Homeless Populations with Disabilities
 - Serving Difficult Riders
 - Personal Care Attendants, Companions, and Care Givers
- Additional Resources
- Section Sources

Unless stated otherwise, the information in this section is based on U.S. Department of Transportation regulation [49 CFR Part 37 - Transportation Services for Individuals with Disabilities \(ADA\)](#), [FTA Circular 4710.1, Americans With Disabilities Act \(ADA\): Guidance](#), and the National Aging and Disability Transportation Center's (NADTC) [Transit Operator's Pocket Guide](#).

Personnel Training Requirements

Customer service and sensitivity are very important when serving persons with disabilities. The U.S. DOT ADA regulations include specific training requirements for assisting these riders. From [Section 37.173 – Training Requirements](#):

“Each public or private entity which operates a fixed route or demand responsive system shall ensure that personnel are trained to proficiency, as appropriate to their duties, so that they operate vehicles and equipment safely and properly assist and treat individuals with disabilities who use the

service in a respectful and courteous way, with appropriate attention to the difference among individuals with disabilities.”

For example, drivers need to be able to properly operate wheelchair lifts, ramps, and securement equipment, and know what to do in emergencies when serving riders with disabilities. Some disabilities may be hidden or not easy to see. Personnel also must be trained on how to assist these riders respectfully and with sensitivity to their different abilities and needs. While not intended to be a substitute for training, the Customer Service Guidelines section below includes helpful information and resources related to serving riders with a broad range of disabilities.

The training requirement applies to all public and private transportation providers. Transit agencies that contract for services need to ensure that the employees of contractors are trained to proficiency.

Section 2.9.1 of [FTA ADA Circular 4710.1](#) provides examples of personnel training topics appropriate for different responsibilities. The following examples are related to rider assistance and sensitivity:

- Drivers – Properly operating all accessibility equipment and features; providing appropriate assistance to individuals with disabilities with boarding, alighting, and securement; communicating effectively with individuals with different types of disabilities; making stop announcements and route identification announcements; and positioning the bus so that the lift or ramp can be safely deployed and used.
- Customer service agents, designated employees who respond to complaints, and call-takers – Communicating effectively with individuals with different types of disabilities; explaining the complaint-resolution process; and providing service information (e.g., routes, schedules, and fares) with special attention to the needs of individuals with disabilities. This includes use of text telephone (TTY) relay services to communicate with individuals with speech and hearing disabilities.
- Vehicle dispatchers – Understanding all operating policies and procedures to effectively and properly assign and route vehicles, assisting drivers on issues that arise pertaining to accessible service, and communicating effectively with individuals with different types of disabilities.
- Managers and supervisors – Understanding all operating policies and procedures and supervising employees to ensure they provide proper and consistent levels of service to individuals with disabilities.

As discussed in Section 2.9.2 of [FTA ADA Circular 4710.1](#) and [Appendix D to 49 CFR Part 37](#), FTA encourages transit agencies to collaborate with local disability organizations for assistance with employee training. Involving individuals with disabilities in agency training programs helps to demonstrate appropriate types of assistance and provides a forum for discussion of what does and does not work in practice.

ADA driver training resources with a focus on rider assistance and sensitivity include:

- The National Aging and Disability Transportation Center ([NADTC Access Matters Video Series](#)) was created to train drivers to be more sensitive to the needs of people who are blind, deaf and have other disabilities who rely on public transportation. The series of five videos covers important topics such as communication, service animals, what access means, and tips for serving people with a variety of disabilities.

- [Access Matters: What Does Access Mean?](#)
- [Access Matters: Communication](#)
- [Access Matters: Various Disabilities](#)
- [Access Matters: Service Animals](#)
- [Access Matters: Different Types of Assistance](#)
- The Community Transportation Association of America (CTAA) offers [Passenger Assistance Safety and Sensitivity \(PASS\) Training](#). According to CTAA, “emphasis is on the passenger and ensuring the safety and comfort of the passenger at every step of the boarding and deboarding process.” The Understanding Your Customers and Medical Conditions modules include information and helpful strategies on providing service to riders with “hidden disabilities,” including those with autism and dementia. These modules also provide guidance on what to do to assist (before emergency responders arrive) in the event of a stroke, diabetic emergency, or seizure.
- [National RTAP’s ADA Driver Training and ADA Driver Training Hands-on Evaluation](#). This training includes a section on Special Considerations (Service Animals, Children, Guests, Challenging Situations) and a form for transit agencies to document training for drivers that provide service to persons with disabilities.
- Easterseals Project Action offers [Sensitivity Training for Bus Drivers](#). This training covers various topics including assisting difficult customers, driver assistance and the ADA, service animals, effective communication, and disability awareness and sensitivity. The Effective Communication section includes a focus on “effective communication in the moment.” This workshop is appropriate both for fixed-route and demand responsive bus drivers.

Customer Service Guidelines

Here are some important customer service guidelines for serving riders with disabilities, adapted from the National Aging and Disability Transportation Center’s [Transit Operator’s Pocket Guide](#) unless otherwise noted.

General Guidelines for All Riders

- Treat riders with disabilities with courtesy and respect.
- Give riders with disabilities the same information and choices you give other riders.
- Never make assumptions about your riders’ physical or intellectual abilities.
- Ask riders if they need assistance—don’t assume.
- Do not touch riders without their permission.
- Speak directly to riders, not their companions.
- Speak clearly with a normal tone and speed, unless the rider requests otherwise.
- If you are asked to repeat or write what you said, do so calmly and pleasantly.
- Be patient and allow riders to take their time. Respond in a calm, professional manner.

Communication Tips

As stated in the [Transit Operator's Pocket Guide](#), communication with people with disabilities follows the basic rules of customer service and good manners.

- Emphasize the person, not the disability. Use person-first language, such as “people with disabilities” instead of “the disabled.”
- Greet riders and inform them of your bus route and destination. Announcing both the route and destination at stops served by multiple routes assists riders with visual impairments as well as riders unfamiliar with the route, bus stop or general area.
- Refer to landmarks or other visual cues to help the rider understand direction.
- Be willing to repeat information and break information down into smaller pieces.
- When riders are disembarking, alert riders to any barriers or obstacles around the bus stop.

[Addressing Transportation and Accessibility for All, Invisible Disabilities: Seeing the Unseen, TR News, Number 346. \(July-August 2023\)](#) describes the challenges of many individuals who have disabilities that are not visible and can pose significant transportation accessibility challenges. Full accessibility requires public transit staff and the traveling public to be aware of invisible disabilities and to understand how to accommodate them. To help achieve this, the following actions are suggested:

- Implement awareness campaigns describing the needs and behavior of people with invisible disabilities.
- Offer transit travel training programs to anyone wishing to increase their confidence when traveling.
- Train all transit personnel to help all riders, regardless of whether they appear to have a disability.
- Provide transit travel assistance cards to help riders request appropriate assistance.
- Offer information about transportation stops through multiple means, including communication boards, audio, and text displays.
- Provide audio and visual information about the route, final destination, and next stop on all buses and trains.
- Use display signs on all transit, encouraging other riders to offer their seats to people in need and empower people with invisible disabilities to request seats when needed.
- Consult with riders with disabilities to develop street signage around transit stops to improve navigation and accessibility.
- Introduce safe places and use “Help, I’m lost” cards to enable people with invisible disabilities to obtain appropriate support when traveling.
- Include maps with quiet routes for walking through noisy urban areas to assist people who find noise stressful.

The [United Spinal Association's Disability Etiquette Guide: Tips on Interacting Respectfully with People with Disabilities \(2023\)](#) provides examples and helpful communication tips for riders with a variety of disabilities.

- **Physical: People Who Use Wheelchairs or Other Mobility Devices.** These conditions impact a person's ability to move their body. Examples include spinal cord injury, spina bifida, cerebral palsy, stroke, arthritis, and multiple sclerosis. A person may use a cane, crutches, a walker or a wheelchair to get around, while others may not be able to move their arms or legs at all. Take care not to generalize or make assumptions about a person's ability based on whatever tool they use to access their home and community.
- **Sensory: People who are blind, low vision, deaf, or hard of hearing.** This category primarily refers to conditions that impact a person's ability to see or hear. Some people may be totally blind, while others may be able to read a little bit or see color. Deaf people have created a vibrant culture with its own literature and language. People who lose all or some of their hearing later in life are typically referred to as being hard of hearing or having a hearing impairment.
- **Neurodivergence: People whose brains develop or work differently.** This term arises from the Autistic community and includes all the ways some people's brains may work differently than those who are neurotypical. Attention-deficit hyperactivity disorder, brain injury, Tourette's Syndrome, dyslexia and mental health conditions all fall under this broad category.
- **People with Intellectual Disabilities.** Intellectual disability can be seen as a subset of neurodivergence but deserves its own category as it may require different accommodations than other disability types. Examples include Down syndrome, Fragile X and developmental delay. Although disabilities may seem to fit specific categories, people are not easy to sort.

The following [Top Ten Disability Etiquette Tips](#) are adapted from the [United Spinal Association's Disability Etiquette](#) (2023) web site to be of use to transit staff.

- 1) **Ask before you help.** Don't assume that because a person has a disability, they need help. Usually, they will ask if they need assistance. If you offer and they accept, follow their instructions. They know their capabilities.
- 2) **Do not touch, pat or grab.** No one wants to be touched without consent, including people with disabilities. Do not touch, grab, or guide them or their wheelchair, scooter or cane without permission. Remember that people with disabilities consider their equipment part of their personal space.
- 3) **Speak directly to the person with a disability.** Also, while striking up a conversation is great, remember that most people, including those with disabilities, would rather not discuss their bodies or medical history with people they just met.
- 4) **Avoid making assumptions.** People with disabilities are the best judge of what they can or cannot do. Remember, it could violate the ADA in many situations to exclude people from an activity because of their disability.

- 5) **Be open to requests for access or accommodation.** Ensuring accessibility and committing to reasonable accommodations upon request not only complies with anti-discrimination laws but also showcases excellent customer service and dedication to all members of the community.
- 6) **Use respectful, person-first language.** Avoid saying handicapped or wheelchair bound. Instead, say person with a disability or wheelchair user.
- 7) **Provide a clear path of travel.** Ensure there are no obstacles that could hinder or trip people with physical disabilities or visual impairments.
- 8) **Welcome service animals.** By law, service or support animals can accompany their handlers anywhere they go. If the animals are not well-behaved and harnessed, leashed, or tethered, you may ask the owner to remove them.
- 9) **Remember, some disabilities are invisible.** People with autism or intellectual disabilities may process information differently than others, so be patient and understanding when communicating with them.
- 10) **Be respectful.** People with disabilities are individuals with families, jobs, hobbies, likes and dislikes, and problems and joys. While their disability is integral to their identity, it does not define them.

There are also specific guidelines that personnel should be trained on for assisting individuals with different types of disabilities. Here are some tips for staff to keep in mind when serving the following populations, adapted from the Transit Operator's Pocket Guide except where otherwise noted.

Serving Riders with Hearing and Speech Impairments

- Face riders when speaking to them, and don't let objects obstruct their view.
- Do not raise your voice – doing so distorts your lip movement and makes lip reading difficult.
- Be sure to notify the rider of schedule changes or audible announcements.

Easterseals Project Action's [Sensitivity Training for Bus Drivers](#) (see Personnel Training Requirements Section above) also includes the following communication tips for serving riders whose speech is difficult to understand.

- Display empathy
- Do not interrupt, hurry the person, or finish their sentences
- Have pen and paper available
- Ask yes/no questions
- Ask the person to repeat and/or spell words
- Just because you don't understand them, that doesn't mean they don't understand you
- BE PATIENT!

See [Effective Communications with Travelers who are Deafblind](#), a 26-minute training video for frontline transit personnel, on effective communications with riders who are deafblind from Sound Transit from Seattle, WA.

Serving Riders with Vision Disabilities

- Identify yourself and ask how you may be of assistance
- Respond verbally when customers give you information so they will know that you have heard them.
- Remember to announce the rider's stop.
- When handling a monetary transaction, count the rider's change out loud.

Serving Riders Who Use Wheelchairs and Other Mobility Aids

- Ask riders how you can assist them.
- Wheelchairs, walkers, canes, and other mobility devices are part of the rider's personal space. Do not hold or lean on them without the rider's permission.
- Make no assumptions on how to operate mobility aids.

For more information, see the [Accommodating Riders Who Use Mobility Devices](#) page of this Toolkit .

Serving Riders Who Use Service Animals

- If drivers are unsure that an animal is a service animal, they may inquire if the animal is a pet or a service animal required because of a disability. If the rider responds that the animal is a service animal, drivers may ask what work or task the animal has been trained to perform. Drivers cannot require special identification for a service animal, inquire about a rider's disability, or ask for a demonstration of the tasks that a service animal has been trained to perform.
- Never touch or talk to a service animal—the animal is working!

For more information, see the [Service Animals](#) section of this Toolkit.

Serving Riders with Intellectual and Developmental Disabilities

The following communication tips are adapted from the [Job Accommodation Network's Communication Tips for Working with Individuals with Intellectual Disabilities](#):

- Consider the environment and what is going on around you. There may be multiple background noises and voices that can be a distraction to the person with whom you are talking.
- Speak slowly and pause while talking to allow more time for the information to be absorbed.
- Speak directly to the individual and make eye contact to ensure you have their attention.
- Speak in clear short sentences, avoiding words or terms that are complicated, technical, and difficult to understand.

- Don't raise your voice. Sometimes when people are making a special effort to ensure the other person in a conversation understands what they are saying, they tend to speak louder.
- Ask the individual you are speaking with if they have any questions. Questioning is an effective way to monitor comprehension.
- Allow individuals plenty of time to formulate a question in their mind before verbalizing it. You may need them to repeat the question or ask them to clarify what they are asking.
- Ask only one question at a time and allow plenty of time for a response. Expressive language skills are often limited.
- Be patient. You want to make sure that the person understands you, and that you understand them in return.
- Allow plenty of time for the conversation to take place and for the individual to hear and process what you are saying and then to respond.
- Ask the individual to repeat back the information you have given.

Serving Riders with Autism Spectrum Disorder (ASD) and Other Neurodivergent Riders

The Job Accommodation Network's web page on autism spectrum disorder (ASD) describes ASD as a neurodevelopmental disorder that is characterized by persistent deficits in social communication and social interaction across multiple contexts, including deficits in social reciprocity, nonverbal communicative behaviors used for social interaction, and skills in developing, maintaining, and understanding relationships. This site also contains communication tips that may be adapted for specific use with to public transportation customers with autism.

The [United Spinal Association's Disability Etiquette Guide: Tips on Interacting Respectfully with People with Disabilities \(2023\)](#) includes [ways to be present for people with neurodivergent brains: People Whose Brains Develop or Work Differently](#). This list offers tips for communicating with a broad category of neurodivergence that includes autism, ADHD, brain injury, mental health, Tourette's syndrome and similar disabilities or conditions. The adapted list follows:

- 1) **Be patient.** People with neurodivergent brains may process information differently than you do, so be patient and understanding when communicating with them. They may need more time to process what you're saying, or they may ask questions that seem obvious to you.
- 2) **Be open-minded.** Don't assume that someone with a neurodivergent brain understands what you're saying or that they're thinking the same thing as you. Ask questions and clarify things if you're not sure.
- 3) **Be respectful of their boundaries.** People with neurodivergent brains may be sensitive to noise, light, or touch. Respect their boundaries and ask them what they need to feel comfortable.
- 4) **Be clear and direct.** People with neurodivergent brains may not pick up on social cues as easily as neurotypical people. Be clear and direct in your communication and avoid sarcasm or humor.

- 5) **Be supportive.** Some people with neurodivergent brains stim or engage in repetitive movements or behaviors. This can be a way for them to self-regulate and cope with stress. It's perfectly normal and helpful for them to do so.
- 6) **Be calm.** Some with neurodivergent brains can be overwhelmed by too much sensory stimulation. Avoid making loud noises or sudden movements and respect their need for personal space. When planning an event, set aside a quiet, welcoming space for those who need a break.
- 7) **Be flexible.** Let people with dyslexia take their time when reading or writing. Offer them accommodations, such as reading aloud or using a computer with a text-to-speech function.
- 8) **Be understanding.** Act natural and ignore tics if you are talking to someone with Tourette's Syndrome. They're involuntary and drawing attention to them is unkind.
- 9) **Be aware.** Brain injuries can affect mood and behavior, so it's important to be patient and understanding if the person has outbursts or seems emotional.
- 10) **Be responsible.** Do not interfere with a person who seems to be experiencing a mental health crisis unless you are trained to do so. They may be acting in ways that are strange to you but normal to them. Sometimes more harm can be caused by trying to help than by letting them be.

Additional transportation related resources and training to consider:

The National Center for Mobility Management (NCMM), FTA, and U.S. DOT's webinar, [Transportation and Mobility Options to Support Postschool Transition for Youth with Autism](#). This webinar focuses on transportation and mobility services for youth with autism transitioning out of high school.

Serving Riders with Epilepsy

As discussed in the introduction to Rider Assistance and Customer Service section above, riders with invisible disabilities, like epilepsy, may not be readily identifiable. Transit staff should be trained to recognize the signs of a seizure and be prepared to assist, as appropriate. The following resources will help transit staff understand epilepsy and how persons with epilepsy are covered under the ADA.

- [Epilepsy Education Everywhere \(EEE\)](#) contains information on its [Resources and Downloadables web page](#) that may be useful in training staff on epilepsy basics and first aid. This site also includes a paper, [Americans with Disabilities Act: An Overview](#), that details the transportation services available to persons with epilepsy through the ADA.
- The [Epilepsy Foundation](#) is a resource for [Seizure Recognition and First Aid certification training](#). [Seizure First Aid](#) and Seizure Recognition Flyers are also available from the website.

Serving Riders with Psychiatric Disabilities

The [Job Accommodation Network](#) offers the following considerations for interacting with individuals with psychiatric disabilities:

- Avoid stereotypes and assumptions about the individual and how they may interact with others. In most cases, it will not be obvious that someone has a psychiatric impairment.
- Recognize and respect the differences in people. People with psychiatric impairments may behave differently than other individuals, may have trouble interpreting social cues, or may have different ways of coping with their impairment.
- Respect personal space and do not touch the individual or his personal belongings.
- Provide support and assistance, as appropriate.
- Be patient. Allow the individual time to think and answer questions independently.

The [Social Security Administration](#) considers Post Traumatic Stress Disorder (PTSD) a disability. PTSD is a mental disorder that can develop after a person of any age directly experiences or witnesses a traumatic event, such as exposure to war, threatened or actual physical assault, threatened or actual sexual violence, a violent crime or serious accident, or a natural disaster. Transit personnel should treat persons with PTSD with sensitivity.

Homeless Populations with Disabilities

While not specific to homeless populations with disabilities, [TCRP Research Report 242, Homelessness: A Guide for Public Transportation \(2024\)](#), is a good starting place for learning more about the issue of homelessness and how the transit industry has come to see this challenge as one that they must partner with other community services such as law enforcement, non-profit organizations, and social service providers to resolve. The focus of the guide is to relay information on how public transportation agencies and stakeholders can work collaboratively to support homeless individuals and mitigate impacts on public transportation services and facilities. It uses a U.S. Department of Housing and Urban Development (HUD) and the U.S. Department of Education (ED) definition of “chronically homeless” which includes people with disabling conditions (mental illness, substance use disorders, and physical disabilities). [Chapter Six: Supporting People Experiencing Homelessness](#) includes interviews with staff at nine transit agencies to highlight specific outreach and supportive services programs aimed at lessening the impacts of homelessness while supporting efforts to aid people experiencing homelessness. The detailed descriptions of current approaches and best practices from the agencies interviewed include providing information, building relationships with people experiencing homelessness, connecting people to services, employing outreach services, providing services on-site, adopting alternative policing and emergency responses, and de-emphasizing minor infractions. This report also updates [TCRP Synthesis 121: Transit Agency Practices in Interacting with People Who Are Homeless \(2016\)](#).

[APTA’s Public Transit and Social Responsibility: Homelessness \(2018\)](#) report includes summarizations of interviews with transit leaders and social service personnel as well as transit security officers, police officers, crisis intervention officers, and staff at social service agencies and volunteer organizations.

The [TRB Webinar: Respectful Response to People Experiencing Homelessness in Transit \(March 25, 2024\)](#) presents [TCRP Research Report 242, Homelessness: A Guide for Public Transportation \(2024\)](#) and highlights efforts by the Southeastern Pennsylvania Transportation Authority (SEPTA) and the National Transit & Vulnerable Populations workgroup (an informal workgroup created in 2021 by individuals at more than a dozen transit agencies across the United States who meet to discuss issues of safety and homelessness at their transit systems. SEPTA has been an active partner

with local and regional homeless service providers in addressing homelessness. SEPTA, the City of Philadelphia's Office of Homeless Services, the Department of Behavioral Health and Intellectual Disabilities, and the Philadelphia Police Department work together to coordinate homeless outreach, services, and enforcement.

An article on [ECHO, Austin/Travis County's Homelessness Response System \(HRS\)](#) website, [Free bus rides: How to get your permanent free fare card from CapMetro](#) (November 2023) describes how local bus service, Capital Metro, in Austin and Travis County, Texas, is free for anyone experiencing homelessness with a new fare card. Plastic cards provide no-cost rides to people who've engaged in some way with HRS.

Serving Difficult Riders

There are rider scenarios that may be challenging for drivers. FTA encourages transit agencies to make reasonable attempts to resolve issues with riders or, if appropriate, personal care assistants (PCAs), caregivers, or guardians, before refusing service to an individual with a disability. For tips for helping riders in challenging situations, see National RTAP's [Problem Passengers: Managing Difficult Passengers & Situations Learner's Guide](#). Some specific scenarios are described below along with the applicable ADA requirement(s).

Transportation providers are not required to provide service to an individual with a disability if that individual engages in violent, seriously disruptive or illegal conduct, or who represents a direct threat to the health or safety of others [[Section 37.5\(h\) of 49 CFR Part 37](#)]. Transit agencies should have policies and procedures in place to address disruptive riders and enforce the procedures consistently among all riders.

A transit agency cannot require that an individual with a disability be accompanied by a personal care attendant (PCA) [[Section 37.5\(e\)](#)]. However, the transit agency is not required to provide attendant services and may refuse service to someone who engages in violent, seriously disruptive, or illegal conduct. If a PCA would be able to stop such conduct, the transit agency could require an attendant as a condition of providing service it otherwise had the right to refuse [[Discussion of Section 37.5\(e\) in Appendix D to Part 37](#)]. Make sure there is a real issue here based on actual experience. If there is (and it is beyond the normal transit-related duties of a bus driver), the transit agency can speak to the rider and explain that they cannot continue to ride unless there is a PCA available. The PCA must ride for free when accompanying the eligible rider. If not accompanying the ADA eligible rider, the PCA must pay a fare [[Section 37.131\(c\)\(3\)](#)].

Service cannot be refused solely because the individual's disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience others. Transit agencies should consider having a policy about hygiene that is simple to implement by bus drivers, applies to all riders, and reflects the overarching nondiscrimination regulatory language [[Section 37.5\(h\) of 49 CFR Part 37](#)]. For example:

- A rider has body odor due to a soap allergy. It would not be appropriate to refuse service if the hygiene situation were merely unpleasant to other riders or drivers (Section 2.2.7 of [FTA ADA Circular 4710.1](#)). However, if the situation disrupts the provision of service, grounds for refusing service may exist.
- A rider appears to present a biohazard. If there is a direct threat to the health and safety of others, the driver can deny the trip to the rider. However, drivers should make sure that this is a real, direct biohazard threat (for example, blood, urine, or fecal matter) rather than a perceived concern. [National RTAP's 2 The Point: Bloodborne Pathogens](#) training states that

workplace transmission of bloodborne pathogens can include when a rider has an open wound, like from skinning their knee. Transit agencies should have policies and procedures in place to address the suspension of riding privileges due to health and safety concerns. Such a policy must also include guidance on how a rider can get those riding privileges returned, including an appeals process to dispute the suspension.

Personal Care Attendants, Companions, and Caregivers

A personal care attendant (PCA) is someone hired by a person with a disability to assist in certain activities of daily living. The role of a PCA is highly individualized to the person they are assisting. The existence of a PCA does not release the transit system from providing boarding assistance or assistance with securements. The paratransit eligibility process may note whether an individual travels with a PCA but may not require a PCA or insert itself into the process of selecting the PCA or determining the PCA's duties or functions. For space considerations, the transit agency may ask the rider if they will be traveling with a PCA for a particular trip. Paratransit service must be provided to a (PCA) traveling with an eligible rider with no fare charged for the PCA [[Section 37.123\(f\)](#)].

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at [49 C.F.R. Section 37.131\(c\)\(3\)](#), a personal care attendant (PCA) may not be charged a fare for complementary paratransit service. Under [49 C.F.R. Section 37.123\(f\)\(1\)\(ii\)](#), a companion (i.e., friend or family member) does not count as a PCA unless the companion is actually acting in the capacity of a PCA. PCAs may be charged a fare on fixed route service. While some transit systems go beyond the minimum requirements of the ADA and allow PCAs to ride for free, there is no requirement that they do so.

National Aging and Disability Transportation Center's (NADTC) [Caregivers and Transportation \(October 2023\)](#) speaks to the reasons why transportation providers should focus outreach directly to caregivers, especially in underserved communities. The section entitled Lack of Awareness of Transportation Options is of particular interest. It describes how older adults and younger adults with disabilities and their family caregivers frequently do not have experience with the transportation options available in their area. The brief notes that terms related to eligibility requirements, fare reductions based on age or disability, ADA regulations, Title VI, service boundaries, fixed route vs. demand-response vs. on-demand, and Medicaid NEMT, may sound like restrictions that prevent older adults and younger adults from getting where they need and want to go.

Additional Resources

The U.S. Access Board's webinar, [Enhancing Accessibility Through Customer Experience, held on September, 24, 2024](#), explains and demonstrates how customer experience (CX) can improve accessibility. The webinar described the key aspects of the federal government's [Federal Customer Experience \(CX\)](#) initiative, including its relationship to [Section 508 of the Rehabilitation Act of 1973](#). The presentation and accompanying handouts will be of value to rural and Tribal transit agencies who want to learn more about moving beyond ADA accessibility compliance regulations moving beyond ADA accessibility compliance regulations and toward a more accessible design. According to the webinar, a CX approach is to enhance customer experience by:

- Developing accessible Information Communication Technology (ICT)
- Implementing usability best practices

- Integrating user experience guidelines such as using plain language

Also related is [Executive Order 14058: Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government \(December 13, 2021\)](#).

Section Sources

- [49 CFR Part 37 - Transportation Services for Individuals with Disabilities \(ADA\)](#)
- [APTA Report: Public Transit and Social Responsibility: Homelessness \(2018\)](#)
- [Cleveland Clinic, Cleveland Clinic's Overview: What does it mean when a person is neurodivergent?](#)
- [Easter Seals Project ACTION, A.C.C.E.S.S. Matters](#)
- [ECHO, Austin/Travis County's Homelessness Response System \(HRS\), Free bus rides: How to get your permanent free fare card from CapMetro \(November 2023\)](#)
- [Epilepsy Education Everywhere, Americans with Disabilities Act: An Overview web page](#)
- [Epilepsy Foundation, Seizure Recognition and First Aid Certification training, Seizure First Aid Poster](#)
- [Federal Transit Administration, FTA Circular 4710.1, Americans With Disabilities Act \(ADA\): Guidance](#)
- [Job Accommodation Network, About Intellectual Impairment web page](#)
- [Job Accommodation Network, About Neurodiversity web page](#)
- [Job Accommodation Network, Autism Spectrum web page](#)
- [Job Accommodation Network, Communication Tips for Working with Individuals with Intellectual Disabilities](#)
- [Job Accommodation Network, Disability Etiquette](#)
- [National Aging and Disability Transportation Center, Transit Operator's Pocket Guide \(2016\)](#)
- [National Aging and Disability Transportation Center's \(NADTC\) Caregivers and Transportation \(October 2023\)](#)
- [Social Security Administration. Posttraumatic Stress Disorder Fact Sheet \(accessed December 16, 2024\)](#)
- [Sound Transit, Seattle, WA, Effective Communications with Travelers who are Deafblind](#)
- [TRB Webinar: Respectful Response to People Experiencing Homelessness in Transit \(March 25, 2024\)](#)
- [TCRP Research Report 242, Homelessness: A Guide for Public Transportation \(2024\), Chapter Six: Supporting People Experiencing Homelessness](#)
- [TCRP Synthesis 121: Transit Agency Practices in Interacting with People Who Are Homeless \(2016\)](#)
- [TR News, Addressing Transportation and Accessibility for All, Invisible Disabilities: Seeing the Unseen, Number 346. \(July-August 2023\)](#)

Rider Assistance and Customer Service

- [U.S. Access Board, Enhancing Accessibility Through Customer Experience](#)
- [United Spinal Association, Disability Etiquette web page, Top Ten Disability Etiquette Tips, United Spinal Association's Disability Etiquette Guide: Tips on Interacting Respectfully with People with Disabilities \(2023\)](#)

Rider Information

This section of the Toolkit focuses on communications that are accessible to people with disabilities, particularly for people with vision, hearing, and speech disabilities. The section is organized into the following subsections:

- Federal Requirements and Guidance on Information Accessibility
 - Federal Requirements and Standards for Information and Communication Technology
- Accessible Formats
 - For People with Vision Disabilities
 - For People with Hearing and Speech Disabilities
 - Other Considerations
- Information at Transit Facilities and on Transit Vehicles
 - For People with Vision Disabilities
 - For People with Hearing Disabilities
- Section Sources

Major sources for this section include the U.S. Department of Transportation (U.S. DOT) regulations [49 CFR Part 37 - Transportation Services for Individuals with Disabilities \(ADA\)](#) and [FTA Circular 4710.1, Americans With Disabilities Act \(ADA\): Guidance. FTA ADA Circular 4710.1](#) addresses information accessibility requirements in Section 2.8.

Federal Requirements and Guidance on Information Accessibility

Transportation agencies must make service information available to people with disabilities, including those with vision and hearing disabilities. Section 37.167(f) of the U.S. DOT regulations requires that transportation agencies provide adequate communications, through accessible formats and technology, to enable users to obtain information and schedule service. As discussed in the FTA ADA Circular, this broad requirement applies to all service modes, and means providing accessible information on schedules, routes, fares, service rules, and temporary changes.

Transit agencies can list the responsibilities they expect from their riders on their website and in their print materials. As an example, [FTA ADA Circular 4710.1](#) lists the following rider responsibilities:

- Caring for a service animal is the responsibility of the rider or a PCA
- When scheduling paratransit eligibility interviews and assessment appointments, transit agencies are not responsible for delays created by applicants.

In the context of ADA complementary paratransit, all information about the eligibility application process, materials needed to apply, and notices and determinations regarding eligibility must be made available in accessible formats, upon request [[Section 37.125\(b\)](#)].

Accessible formats and technology include braille, large print, audio, electronic files and web pages usable with text-to-speech technology (also known as screen reader technology), and TDD/TTY telephone communications. The type of format needed will vary by individual, and upon request must be provided in a format that the requestor is able to use [[Section 37.125 in Appendix D to Part 37](#)]. Each of the mentioned formats is described later in this section of the Toolkit.

Federal Requirements and Standards for Information and Communication Technology

The requirements and standards discussed in this section are not requirements for non-federal agencies. They are shared in this Toolkit as technical assistance information. As noted in Section 2.8.2 of [FTA ADA Circular 4710.1](#), while the U.S. DOT ADA regulations do not set standards for website accessibility, FTA suggests that agencies review U.S. DOJ guidance, [Accessibility of State and Local Government Websites to People with Disabilities](#), and references the Access Board's Section 508 Standards for Electronic and Information Technology as technical guidance.

[Section 508 of the Rehabilitation Act of 1973](#) requires the federal government to make its electronic and information technology (including web pages) accessible to people with disabilities. Section 255 of the [Telecommunications Act of 1996](#) requires telecommunications products and services to be accessible to people with disabilities. [Standards for information and communication technology accessibility](#) are developed by the U.S. Architectural and Transportation Barriers Compliance Board (Access Board) and found in [36 CFR Part 1194](#). See U.S. Access Board Updates - [Information and Communication Technology - Revised 508 Standards and 255 Guidelines](#).

The [Website Accessibility](#) page within the National RTAP Technology Tools Support Center includes additional discussion and links to additional resources on the requirements of agencies receiving federal funds (such as Section 5311) to ensure nondiscrimination in providing information to the public. Although Section 508 does not apply to web pages of state or local governments or private organizations, Section 504 of the Rehabilitation Act of 1973 ([49 CFR Part 27](#) in U.S. DOT regulations) requires federally-funded programs to be accessible. This includes providing access to information. [FTA ADA Circular 4710.1](#) directs transit agencies to the Access Board's [Section 508 Standards for Electronic and Information Technology](#) which were published in December 21, 2000. The Access Board subsequently published a [Final Rule](#) to 36 CFR Parts 1193 and 1194 on January 18, 2017 and [amended the rule](#) on January 22, 2018 (effective date March 23, 2018). This final rule updated both Section 508 (electronic and information technology) and Section 255 (telecommunications technology) accessibility requirements, incorporating both into Part 1194 and eliminating Part 1193. The December 21, 2000, Section 508 standards were republished as [Appendix D to 36 CFR Part 1194](#) and the Web Content Accessibility Guidelines (WCAG) 2.0 were incorporated by reference. The WCAG (now in version 2.1) are discussed later in this section of the Toolkit.

Accessible Formats

Accessible formats (also called alternate formats) are types of documents, electronic file formats, auxiliary aids and services provided to ensure communications access for people with impaired vision, speech, or hearing.

For People with Vision Disabilities

Common accessible formats for people with vision disabilities are described below.

Websites

There are ways to format webpages, write content, and present text, photos, and graphics in order to make a website accessible to people who rely on text-to-speech (screen reader) technology.

The [Web Accessibility Initiative \(WAI\)](#) provides detailed guidelines for web developers as well as summary guidance for laypersons. WAI's [Web Content Accessibility Guidelines \(WCAG\)](#) are currently in version 2.1. A good place to begin learning about these guidelines is the [WCAG 2.1 at a Glance](#) web page. Recommendations introduced on this web page include:

- Provide [text alternatives](#) for non-text content
- Provide [captions and other alternatives](#) for multimedia
- Create content that can be [presented in different ways](#), including by assistive technologies, without losing meaning
- Make it easier for users to [see and hear content](#)
- Make all functionality available from a [keyboard](#)
- Give users [enough time](#) to read and use content
- Do not use content that could cause [seizures](#) or physical reactions in a user
- Help users [navigate and find content](#)
- Make it easier to use [inputs other than keyboard](#)
- Make the text [readable and understandable](#)
- Make content appear and operate in [predictable](#) ways
- Help users [avoid and correct mistakes](#)
- Maximize [compatibility](#) with current and future user tools

To get into more specifics, WAI's tips for [writing content](#) and [designing visual appearance and user interface](#) are great resources. These tips include:

- Verbal information on the page
 - [Provide informative, unique page titles](#)
 - [Use headings to convey meaning and structure](#)
 - [Make link text meaningful](#)
 - [Write meaningful text alternatives for images](#)
 - [Create transcripts and captions for multimedia](#)
 - [Provide clear instructions](#)
 - [Keep content clear and concise](#)
- Visual and User Interface Design
 - [Provide sufficient contrast between foreground and background](#)
 - [Don't use color alone to convey information](#)
 - [Ensure that interactive elements are easy to identify](#)

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- [Provide clear and consistent navigation options](#)
- [Ensure that form elements include clearly associated labels](#)
- [Provide easily identifiable feedback](#)
- [Use headings and spacing to group related content](#)
- [Create designs for different viewport sizes](#)
- [Include image and media alternatives in your design](#)
- [Provide controls for content that starts automatically](#)

For more information on each of these tips, visit WAI's tips for [writing content](#) and [designing visual appearance and user interface](#).

[WebAIM](#) (Web Accessibility In Mind, a non-profit organization based at the Center for Persons with Disabilities at Utah State University) also provides guidance on this topic, as well as technical assistance and training. The WebAIM [Introduction to Web Accessibility](#) page provides a helpful description of key principles of accessible website design toward the bottom of the page.

FTA suggests that agencies review U.S. DOJ guidance, [Accessibility of State and Local Government Websites to People with Disabilities](#). This resource describes online barriers faced by people with disabilities, provides links to resources for web developers, and outlines a voluntary action plan for accessible websites.

National RTAP's [Website Builder](#) technology tool, a cloud-based tool that rural transit agencies can use to build and maintain their websites, is designed to make it easier to build an accessible website. When building a page or editing page content in Website Builder, it is still necessary to use the principles of writing content and visual design recommended by the WAI. Additional information, including links to helpful tools, guidance, and National RTAP training videos, is provided on the [Website Accessibility](#) page within the National RTAP Technology Tools Support Center.

Transit agencies that operate fixed route and route deviation services typically provide schedules for each route on their websites, and National RTAP's [GTFS \(General Transit Feed Specification\) Builder](#) technology tool can create schedule tables that are accessible to people who use screen readers.

Note that there are text-to-speech website accessibility widgets, referred to as “accessibility overlays” in the website accessibility technology field, which claim to make a website accessible by reading aloud its contents. However, [discussion by experts in website accessibility about accessibility overlay tools](#) reveals that the effectiveness of overlay tools is limited by the content and design of the website. If the underlying website itself is not designed for accessibility, an overlay widget won't fix this. Transit agencies are cautioned against using “magic bullet” solutions to help meet website accessibility needs without first ensuring that their underlying website is structured to be comprehensible when read aloud.

[Other Electronic Documents](#)

People with vision disabilities who use computer screen-reading programs can typically read plain text (.txt), rich text (.rtf) and standard Word documents (the program reads the document audibly). Transit agencies will need to edit materials to describe all photos, maps, and other graphics, including pixelated images that include text, as those elements are not readable. PDF documents typically require substantial manual editing to make them readable by assistive technology (as it the

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case with websites) and thus, unless this editing is conducted, are generally not a recommended format for people who use screen readers. The U.S. Department of Veterans Affairs (VA) [Creating Accessible PDFs with Adobe Acrobat XI](#) guide offers helpful information and step-by-step instructions. WebAIM also provides [instructions on creating accessible PDF files](#).

Large Print

People with low vision may need documents in large print format. The American Council of the Blind (ACB) [recommends](#) a font size of at least 18-point, and the font typeface should be simple, like Arial or Helvetica. Line spacing should be at least 1.5 with double spacing between paragraphs. The paper used should have a matte or dull finish to reduce glare, and there should be high visual contrast between lettering and background colors. Additional [large print guidelines](#) are provided on the ACB website.

The ACB does not recommend using the enlarge feature of a photocopier to produce larger print. For documents produced in-house, it is better to revise the document using the larger font. Large print formats of materials can also be ordered from a printing company or the graphic designer that prepares your documents for print.

Braille

Braille is a tactile format in which letters of the alphabet and punctuation marks are represented by a system of raised dots which some people who are blind can read. It is important to offer materials in braille format for those who need it (e.g., those who can read it, but cannot read electronic documents). A transit agency can pay to have documents translated and printed into braille, or may consider purchasing a braille printer, depending on the size of the agency and the needs of the community. The ACB website provides a [list of producers of braille documents](#).

Audio Recordings

If requested, a transit agency should be able to provide an audio recording of printed information. This means the document is read out loud and recorded. The recording could be provided as an electronic file saved onto a compact disc (CD) or flash drive or made available for download through the Internet. Like electronic text files and websites, any photos or graphics need to be explained audibly.

For People with Hearing and Speech Disabilities

Text Telephone (TTY) Translation

TTY relay services are important to make sure individuals who are deaf or have other hearing or speech disabilities can access information about transit services, including the paratransit eligibility application process, and can schedule ADA complementary paratransit or other demand response trips. A TTY is a teletypewriter, or text telephone, which allows a user to type text to another TTY user. TTYs are also known as Telecommunications Devices for the Deaf (TDD).

TTY relay services consist of a relay operator (or communications assistant) who connects TTY calls with people who communicate by telephone. The operator converts voice-to-text and vice versa, with the text displayed on the user's TTY. Relay services can be arranged through a telephone company, or riders can dial 711 to utilize the national Telecommunications Relay Service (TRS), available 24 hours a day and free for calls within the United States.

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For more information, see the Federal Communications Commission's [711 for Telecommunications Relay Service](#) on the FCC website. For more information about TTY and TTY Relay Services in general, visit the National Association of the Deaf (NAD) [TTY](#) web page.

Sign Language Interpretation

For any meeting between transit agency personnel and a person who is deaf (for example an in-person interview that is required as part of an ADA paratransit eligibility determination process), it is important to provide sign language interpretation. When hosting meetings that are open to the public, instructions for requesting sign language interpretation should be included with notices about each upcoming meeting, or staff can arrange to have sign language interpretation available whether or not a request is made.

Other Types of Assistance

If assistive listening technology is available at a public meeting location, this should also be provided upon request. The National Association of the Deaf (NAD) website provides [information on assistive listening technology](#). As noted in Section 2.8.3 of [FTA ADA Circular 4710.1](#), when using public transportation, riders who are deaf or hard of hearing also rely on visual information. Within the [ADA Standards for Transportation Facilities](#) (discussed in the Vehicle and Facility Accessibility section of this Toolkit) there is a requirement where public address systems convey audible information to the public to provide the same or equivalent information in a visual format (Section 810.7 of the ADA Standards for Transportation Facilities).

The U.S. Department of Justice (DOJ) provides more information about other types of accommodations for individuals with hearing and speech disabilities on this [Effective Communications](#) web page.

Other Considerations

It is important to note that one cannot assume what type of accessible format would be best for a rider with a disability, as explained in [Appendix D to Part 37, under Section 37.125](#):

“A document does not necessarily need to be made available in the format a requester prefers, but it does have to be made available in a format the person can use. There is no use giving a computer disk to someone who does not have a computer, for instance, or a braille document to a person who does not read braille.”

It is also important to let riders know that other formats are available and provide information on how they can request those formats. A good practice is to include such info on the transit agency's website, either with general customer service contact information, or on a web page that highlights the accessibility of the transit agency's services. Additionally, this information should be included with the agency's ADA complaint procedures.

More information on alternate formats and other considerations for hosting an accessible meeting can be found under the [Public Meetings and Outreach](#) section of this Toolkit.

Information at Transit Facilities and on Transit Vehicles

The U.S. Access Board's Guide to the ADA Accessibility Standards is a good resource for transit managers on standards related to [Transportation Facilities](#) and [Transportation Vehicles](#). U.S. DOT issued standards for vehicles based on the guidelines. The U.S. Access Board's [Guides to the ADA Guidelines for Transportation Vehicles](#) provides guidance specific to public information systems, stop requests, and [destination and route signs](#).

For People with Vision Disabilities

Section 703 of the [ADA Standards for Transportation Facilities](#) provides specifications for signs posted at transit facilities. These specifications address visual characters (letters and numbers), raised characters (braille), and placement.

The subset of these specifications that apply to bus stop signs are found in Section 810.4 of the [ADA Standards for Transportation Facilities](#). More information is provided in the [Vehicle and Facility Accessibility](#) section of this Toolkit.

The requirement for fixed route transit providers to make on-board stop announcements [[Section 37.167\(b\)](#)] and announce routes to riders waiting at shared stops [[Section 37.167\(c\)](#)] is another way of providing essential information to riders with vision disabilities. These requirements are discussed in the [Fixed Route Requirements](#) section of this Toolkit.

For People with Hearing Disabilities

As noted earlier in this section of the Toolkit, where public address systems convey audible information to the public the transit provider must provide the same or equivalent information in a visual format (Section 810.7 of the [ADA Standards for Transportation Facilities](#)).

Section Sources

- [36 CFR Part 1194 - Information and Communication Technology Standards and Guidelines](#)
- [49 CFR Part 27 - Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance](#)
- [49 CFR Part 37 - Transportation Services for Individuals with Disabilities \(ADA\)](#)
- [American Council of the Blind, Best Practices and Guidelines for Large Print Documents used by the Low Vision Community authored by the Council of Citizens with Low Vision International An Affiliate of the American Council of the Blind Arlington, VA web page](#)
- [American Council of the Blind, Producers of Braille Documents web page](#)
- [Federal Communications Commission, 711 for Telecommunications Relay Service web page](#)
- [FTA Circular 4710.1, Americans With Disabilities Act \(ADA\): Guidance](#)
- [National Association of the Deaf, Assistive Listening Systems and Devices web page](#)
- [National Association of the Deaf, Telephone and Relay Services web page](#)
- [National RTAP, Website Accessibility web page](#)
- [U.S. Access Board, About the ICT Refresh web page](#)

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- [U.S. Access Board, ADA Standards for Transportation Facilities](#)
- [U.S. Access Board, Information and Communication Technology \(ICT\) Final Standards and Guidelines, Final Rule, January 18, 2017](#)
- [U.S. Access Board, Rehabilitation Act of 1973 web page](#)
- [U.S. Access Board, Section 255 of the Telecommunications Act of 1996 web page](#)
- [U.S. Access Board, Section 508 Standards for Electronic and Information Technology](#)
- [U.S. Department of Justice, Effective Communications web page](#)
- [U.S. Department of Veterans Affairs, Creating Accessible PDFs with Adobe Acrobat Professional XI](#)
- [Web Accessibility In Mind website](#)
- [Web Accessibility In Mind, archived discussion on overlay and accessibility](#)
- [Web Accessibility In Mind, Introduction to Web Accessibility web page](#)
- [Web Accessibility In Mind, PDF Accessibility web page](#)
- [World Wide Web Consortium \(W3C\) Web Accessibility Initiative, Tips for Getting Started Writing for Web Accessibility](#)
- [World Wide Web Consortium \(W3C\) Web Accessibility Initiative, Tips for Getting Started Designing for Web Accessibility](#)
- [World Wide Web Consortium \(W3C\) Web Accessibility Initiative, WCAG 2.1 at a Glance web page](#)
- [World Wide Web Consortium \(W3C\) Web Accessibility Initiative, Web Content Accessibility Guidelines \(WCAG\) 2.1](#)

Public Meetings and Outreach

This section of the Toolkit focuses on requirements and good practices for engaging people with disabilities in the public participation activities of a rural transit agency. This section is organized into the following subsections:

- Ongoing Public Participation
- Hosting Accessible Meetings
- Section Sources

Unless stated otherwise, the information in this section is based on U.S. Department of Transportation (U.S. DOT) regulation [49 CFR Part 37 - Transportation Services for Individuals with Disabilities \(ADA\)](#) and [FTA Circular 4710.1, Americans With Disabilities Act \(ADA\): Guidance](#).

Transit agencies have public participation requirements (see the Transit Manager's Toolkit [Planning and Evaluation](#) section for more information). When conducting public meetings and community outreach, transit agencies need to make sure people with disabilities are able to attend and participate. This includes holding meetings in an accessible facility, providing information in accessible formats, and ensuring accessible two-way communication (see the [Rider Information](#) section of this Toolkit for additional information on accessible formats and communication methods).

There are specific requirements for transit agencies that provide ADA complementary paratransit service. Agencies that provide complementary paratransit must “create an ongoing mechanism for the participation of individuals with disabilities in the continued development and assessment of services to persons with disabilities” [[Section 37.137\(c\)](#)]. Consultation with people with disabilities is required when planning ADA complementary paratransit services [[Section 37.137\(b\)\(2\)](#)]. There are also specific requirements for public hearings and notice-and-comment periods if an agency plans to change paratransit reservations systems [[Section 37.131\(b\)\(4\)](#)] or if it intends to seek a determination of equivalent facilitation to depart from the required accessibility standards for facilities, vehicles, or systems [[Section 37.7](#) and [Section 37.9](#)].

Even if a transit agency does not provide ADA complementary paratransit, it is important to engage people with disabilities on an ongoing basis (e.g., through a citizen advisory committee) and especially when planning any changes to policies or services that impact service accessibility for persons with disabilities.

Federal Transit Administration (FTA) has planning requirements associated with its Section 5310 grant program (see the [Funding Considerations](#) section of this Toolkit) that requires participation by individuals with disabilities. Specifically, projects selected for funding under the Enhanced Mobility for Individuals and Individuals with Disabilities (Section 5310) Program must be included in a locally developed, coordinated public transit-human services transportation plan that was developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, and nonprofit transportation and human services providers, and other members of the public.

Ongoing Public Participation

There are different ways a transit agency can fulfill the ongoing public participation requirement, including, but not limited to:

- Advisory committees or subcommittees
- Surveys via phone, mail, online, and/or in-person
- Focus groups
- Suggestion forms/boxes
- Complaint analysis - In addition to being a valuable source of feedback, transit agencies are required by [49 CFR Part 27](#) and [Part 37](#) to have procedures to receive, resolve, keep records of, and report on complaints.

According to [Appendix D, Section 37.137](#), U.S. DOT is most interested in the effectiveness of the public participation effort, and transit agencies are welcome to choose the specific structure used to ensure public participation that best meets this goal.

Establishing an ADA advisory committee or subcommittee is a common way to institutionalize participation and make it permanent. If a transit agency already has an advisory committee or consumer advisory committee, they may want to create a subcommittee to focus specifically on ADA issues.

ADA advisory committees should be comprised of persons with disabilities as well as other stakeholders and representatives in the community. Ideally, the members with disabilities should represent various types of disabilities (such as vision, hearing, mobility, etc.).

Committee members should include representatives from the following stakeholder groups, where appropriate:

- Transit system staff (including volunteers, if used)
- Contract providers (if used)
- Local and regional government officials
- Relevant social service agency staff
- Other agencies and/or organizations involved in transportation-related activities for individuals with disabilities and older adults

Committees should meet regularly and should consider the schedules and needs of the public when setting meeting times. Meetings should be open to the public and it is good practice to post meeting dates, agendas, and minutes online, in addition to distributing them to members. A good practice is

Public Meetings and Outreach

to announce meetings far in advance (for example, at least 30 days in advance or longer if required by the transit agency's local policy for announcing public meetings), potentially establishing a set meeting schedule throughout the year. This will give interested persons time to make plans to attend, and also time to request accessibility accommodations in advance. All meetings must be accessible to persons with disabilities – to be discussed further in the section below.

Here are few examples of ADA-related advisory committees:

[PACE ADA Advisory Committee](#)

[Sacramento Regional Transit \(RT\) Mobility Advisory Council](#)

[Morris Area Paratransit System \(MAPS\) Citizen Advisory Committee](#)

[Sound Transit Citizens Accessibility Advisory Committee \(CAAC\)](#)

Advisory committees and any other mechanisms for ongoing public participation should be tailored for each transit system and community. Whatever the method, effective public involvement should foster communication and collaboration over the long term to make sure the transit services continue to meet the community's needs.

For more information about advisory committees and public participation, see [Easter Seals Project ACTION's Effective Transportation Advisory Committees](#) guide on the National Aging and Disability Transportation Center (NADTC) web site and the [Planning and Evaluation](#) section of the Transit Manager's Toolkit.

Hosting Accessible Meetings

All public meetings (e.g., advisory committee meetings, public hearings, and board meetings) must be accessible to individuals with disabilities. Meetings must comply with all applicable ADA accessibility requirements and should also be conducted in such a way that all participants can participate in an equal and meaningful way. The U.S. DOT's [Promising Practices for Meaningful Public Involvement in Transportation Decision-Making](#) (2023) contains useful information meant to help U.S. DOT funding recipients comply with existing requirements. Appendix A of the guide contains a non-exhaustive overview of existing policies and processes where public involvement is a requirement, including resources for Tribal consultation (Executive Order 13175) and the Americans with Disabilities Act of 1990, Title II. A variety of techniques that can be used to promote meaningful involvement are illustrated in Appendix B and Appendix C provides information on using federal funds for meaningful public involvement activities.

According to Easter Seals Project ACTION's [ADA Essentials for Transit Board Members](#) guide, minimum requirements identified by U.S. DOT include:

- The meeting location must be accessible by public transit, including paratransit.
- Primary entrances and doorways used for the meeting must be accessible, barrier-free, and usable by persons with disabilities, including wheelchair users.
- There should be circulation space for wheelchairs throughout and at the front of the meeting space.

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- Microphones should be adjustable to wheelchair height.
- Path of travel signs for an accessible route to the meeting room should be posted.
- Meeting materials should be available in alternative formats prior to the meeting.
- Sign language interpreters should be available if requested.

The above list is based on a checklist in U.S. DOT's [Public Involvement Techniques for Transportation Decisionmaking](#) guide under the [Including People Who Are Traditionally Underserved on the Public Involvement Techniques for Transportation Decisionmaking](#) web page.

The South West Transit Association (SWTA) has a helpful [Accessible Meetings Guide](#), which is both comprehensive and concise. It covers all aspects of planning and hosting an accessible meeting or event, including:

- Meeting room set-up
- PowerPoint and other visual presentations
- Incorporating videos, remote speakers, and flip charts/wall boards
- Print and electronic guidelines

Another helpful resource is the Easter Seals Project ACTION's [Including People with Disabilities: Communication & Meeting Etiquette Guide](#). This brochure provides general communication guidance as well as the following tips for planning accessible meetings:

- When planning events or meetings involving people with disabilities, inquire about their needs.
- The building, parking area, meeting space, restrooms, and water fountains should be accessible.
- If barriers exist, including entrance and doorway barriers, find a way to adapt the space or use another location.
- For meetings, consider whether the path of travel to and from the location, including connections to public transit, is suitable for pedestrians and accessible to pedestrians with disabilities.
- Allow circulation space for wheelchairs, make auditory accommodations and provide meeting materials in alternative formats prior to the meeting.
- Provide a certified sign language interpreter or captioner upon request.

Transit Planning 4 All, a coordinated transportation-planning project sponsored by the Administration for Community Living, developed a detailed Tip-Sheet on [Planning Friendly Meetings and Going Beyond the ADA to Make a Meeting Place User-Friendly](#).

Information on communicating and providing materials in accessible formats is covered in the [Rider Information](#) section of this Toolkit.

Accessible Virtual Meetings

When hosting “virtual” or video meetings or teleconferences, accessibility must also be provided. This includes ensuring that audio information is also available visually (e.g. through captioning and/or sign language interpretation), visual information is available through an audio description, and interactive features such as chat, polling, questions, etc. are usable by participants with disabilities and their assistive technology (i.e. comply with Section 508 guidelines which are introduced in the [Rider Information](#) section of this Toolkit, under “Federal Requirements and Standards for Information and Communication Technology”). The meeting hosting platform, meeting invitations/registration, and electronic handouts must also be accessible.

Here are several resources that provide guidance and tips on hosting accessible virtual meetings:

- U.S. General Services Administration (GAO), Section508.gov, [Create Accessible Meetings](#) – While this resource is aimed at employees of the U.S. Government, it provides information that can be helpful to anyone planning a virtual meeting. It addresses important planning considerations, accommodations for participants with sensory disabilities, accessible invitations/registration, meeting management techniques, publishing recordings of live meetings, and more.
- Gerald Williams and Brandon Pace, [Accessible Virtual Meetings slide presentation](#) on the U.S. Access Board website (presented at the January 13, 2021 Access Board meeting) – provides meeting management tips, equipment and tech recommendations, and accessibility advantages and disadvantages of commonly-used virtual conferencing platforms. An [archived July 2020 presentation](#) can be streamed through the Great Lakes ADA Center website.
- Rooted in Rights, [How to Make Your Virtual Meetings and Events Accessible to the Disability Community](#) – Includes accessibility tips for people with different types of disabilities, how to describe live scenarios and other visual information, how to improve audio, and more.
- University of Washington, [Hosting Accessible Online Meetings](#) – Provides practical strategies, tips for adding captions to several popular online video platforms, and links to accessibility support documents for online meeting platforms.

Section Sources

- [49 CFR Part 37 - Transportation Services for Individuals with Disabilities \(ADA\)](#)
- Association for Community Living, Transit Planning 4 All, [Planning Friendly Meetings and Going Beyond the ADA to Make a Meeting Place User-Friendly](#)
- Easter Seals Project ACTION, [ADA Essentials for Transit Board Members](#)
- [Easter Seals Project ACTION, Effective Transportation Advisory Committees](#)
- [Easter Seals Project ACTION, Including People with Disabilities: Communication & Meeting Etiquette Guide](#)
- [FTA Circular 4710.1, Americans With Disabilities Act \(ADA\): Guidance](#)
- [Rooted in Rights, How to Make Your Virtual Meetings and Events Accessible to the Disability Community](#)
- [South West Transit Association \(SWTA\), Accessible Meetings Guide](#)
- [University of Washington, Hosting Accessible Online Meetings](#)
- [U.S. DOT, Promising Practices for Meaningful Public Involvement in Transportation Decision-Making \(2023\)](#)
- [U.S. DOT, Public Involvement Techniques for Transportation Decisionmaking](#)
- [U.S. General Services Administration \(GAO\), Section508.gov, Create Accessible Meetings](#)
- [Williams, Gerald and Brandon Pace, Accessible Virtual Meetings slide presentation](#)

Funding Considerations

The requirements of the ADA apply regardless of whether a particular entity or activity uses federal funding. Vehicles, services, buildings, and facilities must all comply whether they are federally-funded or not. Complying with the ADA requirements and providing services that are accessible to everyone is part of the business of providing public transportation and is a condition of eligibility for federal funding.

This section of the Toolkit provides information on funding that can be used to comply with ADA requirements and enhance the accessibility of rural transit services. Although the Federal Transit Administration (FTA) does not provide funding dedicated to meeting ADA requirements, many FTA grant programs can be used to support ADA-related expenses. Transit agencies can often use FTA grants to fund ADA-required equipment, services, training, and other transit program elements. State Departments of Transportation (DOTs) may also provide state funding for ADA-related expenses. Many rural transit agencies have contracts to operate human services transportation in coordination with public transportation, and this can be an important way to fund transportation for people with disabilities. Medicaid funding for non-emergency medical transportation (NEMT) may cover a portion of the cost to provide ADA complementary paratransit to and from medical appointments for individuals who are eligible for both ADA complementary paratransit and Medicaid. Transit agencies can make more efficient and effective use of resources by coordinating with other organizations. Transit agencies that operate fixed route service can reduce the need to provide ADA complementary paratransit by making the fixed route service as accessible and user-friendly as possible.

This section of the ADA Toolkit covers:

- FTA Funding that Can Support ADA-Related Expenses
- Coordination with Other Sources of Transportation Support for People with Disabilities
- Section Sources

FTA Funding that Can Support ADA-Related Expenses

The following programs are commonly used to support accessible rural public transportation and specialized transportation services. For more information about these and other potential funding sources, see the [Budgeting and Finance 101](#) section of the Transit Manager's Toolkit, under Potential Funding Sources for Rural Public Transportation.

In 2024, the FTA updated its program guidance for several program circulars. These include the [Grants for Buses and Bus Facilities Program \(5339\(a\)\)](#); [Formula Grants for Rural Areas Program \(5311\)](#); the [Tribal Transit Program \(5311\(c\)\)](#); and the [Enhanced Mobility of Seniors and Individuals with Disabilities Program \(5310\)](#).

Readers are advised to review the [FTA 2024 Circular Update](#), the FTA's [Dear Colleague Letter, September 27, 2024](#), and the [FTA's Training and Informational Presentations](#) to learn more about the updates contained in the following program circulars:

- [Rural Areas Formula Grant Program Guidance, C 9040.1H](#) - Replaces, consolidates and updates guidance for Section 5339(a); Section 5311; and Section 5311(c).

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- [Enhanced Mobility for Seniors and Individuals with Disabilities Program Guidance, C 9070.1H](#) - Updates information.

Section 5311—Formula Grants for Rural Areas

[Section 5311—Formula Grants for Rural Areas](#) is the FTA program specifically intended for rural public transportation, providing funding for operating, administrative, planning, and capital projects.

Operating projects can include provision of ADA complementary paratransit, with a maximum federal share of 50 percent of net operating deficit.

Capital projects that are allowable under federal program include (but are not limited to):

- Purchase of accessible vehicles
- Accessibility equipment on vehicles
- Construction or rehabilitation of transit facilities (including accessibility improvements)
- Mobility management projects (which can include travel training and coordination projects)
- Preventive maintenance (which can include maintenance of lifts and ramps)

The federal Section 5311 program also allows for up to 10 percent of a recipient's (state's) annual Section 5311 apportionment to be spent on ADA complementary paratransit, but only for programs which are in full compliance with the ADA requirements. The maximum federal share for Section 5311 capital projects is generally 80 percent. The maximum federal share for vehicles that comply with [49 CFR Part 38](#) is 85 percent, and 90 percent for project costs for acquiring vehicle-related equipment (on or attached to the vehicle) or facilities that are required by the ADA.

For more information about project eligibility, review Chapter III of FTA [Circular 9040.1H, Rural Areas Formula Grant Programs Guidance: General Program Information](#), (Section 5311), and check with the State DOT about eligible projects and funding matching ratios in that state's Section 5311 program. State RTAP Managers can also provide technical assistance. National RTAP provides a [Directory of State RTAP Managers](#).

Section 5310—Enhanced Mobility of Seniors and Individuals with Disabilities

[Section 5310—Enhanced Mobility of Seniors and Individuals with Disabilities](#) provides funding to assist in meeting the transportation needs of older adults and people with disabilities. Rural public transit systems may be eligible for Section 5310 funding through the State DOT depending upon the state program specifics and the types of organizations the state funds under its Section 5310 program. Projects funded under the Section 5310 program must be included within a locally-developed, coordinated public transit-human services transportation plan.

At least 55 percent of a State DOT's Section 5310 program must be for "traditional" Section 5310 projects, defined as public transportation capital projects planned, designed, and carried out to meet the specific needs of seniors and individuals with disabilities when public transportation is insufficient, unavailable, or inappropriate.

Included among the eligible projects under this category are:

- Purchase of vehicles
- Purchase of service operations
- Preventive maintenance

Funding Considerations

- Vehicle wheelchair lifts, ramps, and securement devices
- Purchase and installation of passenger amenities such as benches and shelters
- Dispatch technology
- Mobility management and coordination programs
- The capital cost of contracting for the provision of transit services for seniors and individuals with disabilities and other specialized shared-ride transportation services
- Up to 45 percent of each state’s Section 5310 program may be used for additional public transportation projects that:
 - Exceed the ADA minimum requirements,
 - Improve access to existing fixed route service and decrease reliance by individuals with disabilities on ADA-complementary paratransit service, or
 - Provide alternatives to public transportation that assist seniors and individuals with disabilities with transportation.

These projects must be designed to meet the transportation needs of seniors and individuals with disabilities. They may, however, be used by the general public, and FTA encourages projects that are open to the public as a means of avoiding unnecessary segregation of services.

Examples of public transportation projects that exceed the requirements of the ADA include:

- Enhancing paratransit beyond minimum ADA requirements, such as:
 - going beyond the minimum geographic area or days and hours of service
 - providing same day service
 - providing door-to-door service to all riders
 - providing a higher level of rider assistance than required (such as escort service)
 - purchasing vehicles that accommodate larger and heavier mobility devices or with additional securement locations than the minimum specifications under [49 CFR Part 38](#)
- Providing accessible “feeder” transit service to commuter rail, commuter bus, intercity rail, and intercity bus stations, for which complementary paratransit service is not required under the ADA

Examples of public transportation projects that improve fixed route accessibility include:

- Making accessibility improvements to transit and intermodal stations not designated as “key stations.” For rural transit agencies, this could include building an accessible path to a bus stop that is currently inaccessible, improving signage or wayfinding technology, or technology improvements to enhance accessibility for people with disabilities.
- Travel training programs to help individuals learn to ride fixed route and increase their awareness of transportation options.

Examples of public transportation alternatives that assist seniors and individuals with disabilities with transportation include:

Funding Considerations

- Purchasing vehicles to support accessible taxi, ride-sharing, and/or vanpooling programs
- Supporting the administration and expenses related to voucher programs for transportation services offered by human service providers
- Supporting volunteer driver and aide programs

Maximum federal match levels for Section 5310 are comparable to those under Section 5311. For more information about eligible projects under Section 5310, see Chapter IV, Eligible Projects and Requirements of FTA [Circular 9070.1H](#) and ask the State DOT.

Section 5339 – Grants for Buses and Bus Facilities Formula Program

The [Section 5339\(a\) - Grants for Buses and Bus Facilities Formula Program](#) provides funding for capital bus and bus-related projects that will support the continuation and expansion of public transportation services. States determine how Section 5339(a) funds are distributed among rural subrecipients. Eligible projects that could support ADA compliance include vehicles (including paratransit vehicles), facilities, passenger amenities, technology, and capital cost of contracting.

Maximum federal match levels for Section 5339 are comparable to those under Section 5311. For more information about eligible projects under Section 5339(a), see Chapter III, General Program Information (Section 5339(a)) of FTA [Circular 9040.1H Rural Areas Formula Grant Programs Guidance](#) and ask the State DOT.

Tribes as Direct Recipients

For more information about FTA apportions or awards to Tribes for eligible projects under Formula Grants for Rural Areas (Section 5311) and Grants for Buses and Bus Facilities Formula Program (Section 5339(a)), see FTA [Circular 9040.1H Rural Areas Formula Grant Programs Guidance](#) Chapter III, General Program Information (Tribes as Direct Recipients) and Chapter XI, Public Transportation on Indian Reservations and ask the State DOT.

Other FTA Funding Programs that Can Be Used in Rural Areas

FTA periodically provides other types of grants that could be used to help enhance or expand transportation for individuals with disabilities, often through mobility management and coordination initiatives. As discussed in the [Coordination and Mobility Management](#) section of the Transit Manager's Toolkit under FTA Funding for Mobility Management, recent grant opportunities have included Access and Mobility Partnership Grants, the Mobility on Demand (MOD) Sandbox Program, the Integrated Mobility Innovation (IMI) Demonstration Program, the Mobility for All Pilot Program, and more. A good source of information about future grant opportunities is the [National Center for Mobility Management \(NCMM\)](#).

FTA Funding and ADA Requirements

The U.S. DOT ADA requirements are not limited to FTA funding recipients. There are requirements that apply to all public entities as well as requirements that apply to private entities. However, it should be emphasized that compliance with ADA requirements is a condition of eligibility for receipt of federal funding.

Importantly, FTA-funded public transportation services are subject to the ADA requirements for public entities, even if the organization operating the service is private. As explained in [Appendix D to 49 CFR Part 37, under Section 37.23](#), private entities are considered to be “standing in the shoes”

Funding Considerations

of a public entity that contracts for the service. Additionally, as stated in Section 1.3.2 of [FTA ADA Circular 4710.1](#), the stand-in-the shoes requirements apply to private entities that receive Section 5311 funding through subgrant agreements directly with state agencies, or through subrecipients who then enter into agreements with private contractors for service.

FTA grant funds affect the ADA requirements that apply to a private non-profit organization that provides public transportation services under a contract that is funded by an FTA grant. While a private entity does not become subject to the requirements for public entities because it receives an operating subsidy from, is regulated by, or is granted a franchise or permit to operate by a public entity, when a public entity enters into a contractual or other arrangement (such as a grant, subgrant, or cooperative agreement) or relationship with a public entity, the private entity “stands in the shoes” of the public entity. If the transportation provider is under contract to a public entity such as a local or state government, or if a grant from the state or federal government funds the service provided under contract, the requirements that apply to a public entity apply to this service.

Section 1.3.2 of [FTA ADA Circular 4710.1](#) (page 1-7, under “Private Entities Receiving Section 5310 Funding”) also notes that Section 5310-funded service that is open to the public is subject to the requirements for public entities. However, private nonprofit organizations that receive Section 5310 funding and provide closed-door service to their own clientele (i.e., not open to the general public) do *not* stand in the shoes of the public entity for the closed-door service. Instead, these organizations are subject to the ADA requirements that apply to private entities (which are beyond the scope of this Toolkit). See the General Requirements for All Service Types Section of this Toolkit

Recipients and subrecipients of FTA funding that do not comply with ADA requirements could jeopardize their FTA funding. Under [49 CFR Section 37.11\(a\)](#) and [Subpart C \(Enforcement\) of 49 CFR Part 27](#), FTA is charged with ensuring FTA grantees do not discriminate against individuals with disabilities, and each grantee agrees to comply with federal law when signing the [FTA Master Agreement](#) as well as the certifications and assurances submitted with each grant application (discussed in the [Grant Compliance Requirements](#) section of the Transit Manager’s Toolkit under Introduction).

FTA conducts ADA specialized reviews and triennial reviews of its direct recipients (including State DOTs). States are responsible for conducting oversight of their FTA subrecipients, including rural Section 5311 subrecipients. FTA conducts oversight of state programs and may also review rural transit agencies as part of State Management Reviews.

FTA requires that State DOTs conduct oversight of their subrecipients on numerous compliance requirements, including ADA. Each State DOT determines its own approach to subrecipient oversight. FTA conducts oversight of the state’s approach as part of the State Management Review. The requirements that apply to states and their oversight efforts are described in the FTA’s Comprehensive Review Guide. The most recent Comprehensive Review Guide can be found on the [FTA web site](#). There is nothing stated in the ADA about reporting requirements, but there may be requirements as part of the National Transit Database (NTD), or for funding purposes, such as a state’s subrecipient reporting requirements tied to a specific grant. See the [Grant Compliance Requirements](#) section of the Transit Manager’s Toolkit under Ensuring Compliance for more information on this topic.

FTA also conducts specialized reviews of selected recipients to verify their compliance with ADA requirements for fixed route and paratransit requirements.

Funding Considerations

As discussed in [FTA ADA Circular 4710.1](#), FTA processes ADA complaints filed against transit providers by members of the public alleging noncompliance. FTA's process includes an investigation with an opportunity for the transit provider to respond. If the transit provider is found noncompliant, FTA advises them of corrective actions needed.

FTA also [takes rider complaints through its website](#). If FTA determines that there is an ADA violation, staff will work with the transit agency to correct the deficiency. Because compliance with ADA requirements is part of the grant agreement, FTA or a State DOT may also withhold grant funding for unresponsive transit agencies. As a civil rights law, the ADA also provides aggrieved individuals with the right to seek legal action through the courts; it is therefore possible that an individual or an advocacy organization may file a lawsuit against a transit agency for an ADA violation. Complaints about transit agency ADA compliance can also be filed with the U.S. Department of Justice (DOJ).

If FTA cannot work with an agency to resolve apparent ADA violations by voluntary means, enforcement provisions can include referral to U.S. DOJ for enforcement or suspension or termination of grant funding.

Coordination with Other Sources of Transportation Support for People with Disabilities

Coordinated Funding

Many rural transit agencies have contracts to operate human services transportation in coordination with public transportation, and this can be an important way to fund transportation for people with disabilities. For example, Medicaid funding for non-emergency medical transportation (NEMT) may cover a portion of the cost to provide ADA complementary paratransit to and from medical appointments for individuals who are eligible for both ADA complementary paratransit and Medicaid. Medicaid is required to make certain that every beneficiary who has no other means of transportation has access to transportation needed to receive covered medical care. ([42 C.F.R. Section 431.53 Assurance of Transportation](#)) On September 28, 2023, the [Centers for Medicare and Medicaid Services/Center for Medicaid and CHIP Services \(CMS\)](#) issued guidance for the provision of Medicaid transportation. The stated purpose of the guidance, [Assurance of Transportation: A Medicaid Transportation Coverage Guide](#), is to provide “a one stop source of federal requirements and state flexibilities.” [Assurance of Transportation: A Medicaid Transportation Coverage Guide](#)

The extent to which such costs can be funded by Medicaid varies in each state, depending on the state's approach to administering Medicaid non-emergency medical transportation (NEMT) and the specific contract with each transportation provider. Under the federal Medicaid regulations in [42 CFR Part 440](#) [specifically in [Section 440.170\(a\)\(4\)\(ii\)\(B\)\(4\)\(iii\)](#)], under specific circumstances in states that have established NEMT brokerages, the NEMT brokers are permitted to pay for public paratransit services for as much as (but no more than) the rate charged to other state human services agencies for comparable services.

Other funding programs that support individuals with disabilities may also be used to cover ADA complementary paratransit costs or to provide other transportation support.

Coordinated Services

Transit agencies can make more efficient and effective use of resources by coordinating public transit and specialized transportation services and by coordinating with other organizations to address different types of needs. For example, coordinated dispatching and scheduling can increase productivity on demand response and paratransit services. Productivity is key to making the most efficient use of operating funding and reducing the average cost per passenger trip. Mobility management programs help match consumers to the services that can meet their needs, and can also provide other functions, such as eligibility determination for ADA complementary paratransit and other transportation programs.

Private Sector Partner Sponsorships

Transit agencies may be able to garner financial support from the private sector for ADA complementary paratransit. The [Paris Metro system](#) in the rural city of Paris, Texas is an example. Historically, Paris was served by general public demand response transit service, provided by the [Ark-Tex Council of Governments Rural Transit District \(TRAX\)](#) as part of its regional rural transit service. In 2016, to more effectively serve city residents, TRAX replaced the Paris demand response service with fixed route transit together with ADA complementary paratransit. TRAX used the assistance of a consultant to develop a sponsorship program to generate revenue for the service prior to implementing this change. United Way of Lamar County was the first sponsorship partner. Soon after, the Paris Regional Medical Center, Texas Oncology-Paris, the City of Paris, and other stakeholders were also on board. In return for financial support, the sponsoring businesses get advertising space on the Paris Metro buses and other promotional opportunities. An article in the Business Section of Texas Monthly (November 2023), [What Can Public Transit Deserts Learn From Paris, Texas?](#), describes how the Paris Metro system continues to have community support as it continues to serve the area's most vulnerable populations. For more information, see the [\(TRAX\) ADA Complementary Paratransit Service Plan \(2017\)](#).

Section Sources:

- [42 CFR Part 440—Services: General Provisions](#)
- [49 CFR Part 37—Transportation Services for Individuals with Disabilities \(ADA\)](#)
- [Centers for Medicare and Medicaid Services, Medicaid Program; State Option To Establish Non-Emergency Medical Transportation Program, Final Rule, Federal Register, Dec. 19, 2008](#)
- [FTA Circular 4710.1, Americans With Disabilities Act \(ADA\): Guidance](#)
- [FTA 2024 Circular Update](#), November 14, 2024
- [FTA Circular 9040.H: Rural Areas Formula Grant Programs Guidance](#)
- [FTA Circular 9070.1H: Enhanced Mobility of Seniors and Individuals with Disabilities Program Guidance](#)
- FTA [“Dear Colleague Letter: 2 CFR 200 and FY24 Circular Updates Implementation,” September 27, 2024](#)
- [National RTAP Transit Manager’s Toolkit](#)

Emergency Management

Transit agencies need to have an emergency response plan developed with local emergency management agencies and other stakeholders. It is also a good practice for transit agencies to be involved in planning local emergency response plans and procedures.

This section of the Toolkit provides information on emergency management that can be used to ensure compliance with ADA requirements. The section is organized into the following subsections:

- Federal Requirements and Guidance on Emergency Management
 - Federal Requirements and Standards for Emergency Management
- Disaster Planning
 - Department of Homeland Security, Federal Emergency Management Agency
 - Recommended Reading, Training Resources, and Websites
 - Pandemic Planning
- Section Sources

Federal Requirements and Guidance on Emergency Management

Federal Requirements and Standards for Emergency Management

To address the needs of individuals with disabilities in emergency management, President George W. Bush signed [Executive Order \(EO\) 13347, Individuals with Disabilities in Emergency Preparedness \(2004\)](#), which established the [Interagency Coordinating Council on Emergency Preparedness and Individuals with Disabilities \(ICC\)](#) and directed federal agencies to work together to ensure that emergency preparedness plans incorporate the perspectives and needs of individuals with disabilities. Beginning in 2005, the ICC, other federal agencies, and transportation research organizations began to issue recommendations for better emergency management for people with disabilities.

Planning for evacuation of community members with disabilities is essential, as demonstrated by [devastating effects on people with disabilities during and following Hurricanes Katrina and Rita in 2005](#). Emergency planning should include outreach and engagement with community members with disabilities. Before, during and after an emergency event, outreach is necessary to educate community members on how to get help. As part of their emergency planning efforts, transit agencies should recognize the needs of people with disabilities. For example, as shared in National RTAP's October 2019 [Transit Disaster Response Twitter Chat](#), Palm Tran prioritized vulnerable populations throughout Hurricane Dorian. Leading up to the storm, Palm Tran provided over 300 evacuation trips for residents with disabilities and special needs, transporting them to shelters where their specific needs could be met. Palm Tran's paratransit service continues to provide evacuation services for residents with disabilities when needed, including transporting their life-sustaining medical equipment and other belongings necessary for a three-to-five night stay. See National RTAP's [Transit's Role in Emergency Response](#).

Disaster Planning

Department of Homeland Security, Federal Emergency Management Agency

Federal Emergency Management Agency's (FEMA) [Comprehensive Preparedness Guide \(CPG\) 101, Developing and Maintaining Emergency Operations Plans \(September 2021, Version 3.0\)](#), provides an overview of information and strategies to ensure resources to strengthen emergency operations plans. ADA requirements, including transportation service needs, are found in Section 1.1.2 - Planning Should Emphasize Caring for People with Disabilities and Individuals with Access and Functional Needs, Infants, Children and Older Adults.

FEMA's [A Whole Community Approach to Emergency Management: Principles, Themes, and Pathways for Action \(2011\)](#) presents a comprehensive outline of the agency's Whole Community principles and strategies. These strategies include:

- Identifying barriers to participation in emergency management meetings (e.g., lack of childcare or access to transportation, and time of the meeting) and provide solutions where feasible (e.g., provide childcare, arrange for the meeting to be held in a location accessible by public transportation, and schedule for after-work hours).
- Considering physical, programmatic, and communication access needs of community members with disabilities when organizing community meetings.

Recommended Reading, Training Resources, and Websites

- [Federal Highway Administration, Evacuating Populations with Special Needs \(April 2009\)](#)
- [National Council on Disability, Effective Communications for People with Disabilities: Before, During, and After Emergencies \(May 2014\)](#)
- [National Council on Disability, Effective Emergency Management: Making Improvements for Communities and People with Disabilities \(August 2009\)](#)
- [National Council on Disability, Saving Lives: Including People with Disabilities in Emergency Planning \(April 2005\)](#)
- [Transit Cooperative Research Program Report 150: Communication with Vulnerable Populations: A Transportation and Emergency Management Toolkit \(2011\)](#)
- [U.S. DOT, Departmental Guidelines on Emergency Preparedness and Individuals with Disabilities web page](#)
- [National RTAP, Transit's Role in Emergency Response](#)
- [National RTAP, Transit Disaster Response Twitter Chat, October 8, 2019](#)
- [Stephenson, Chris, Best Practices: Emergency Response, Mass Transit, November 11, 2019](#)

Pandemic Planning

In 2020, the United States experienced a worldwide outbreak and spread of Coronavirus Disease 2019 (COVID-19). For rural and Tribal transit agencies providing service to riders with disabilities, the pandemic raised questions about how to provide U.S. DOT ADA-compliant service while protecting the health and safety of drivers and riders. Many COVID-19 resources were developed for transit agencies. Much of the guidance was specific to ADA compliant service and included best practices for serving riders with disabilities. The guidance and best practices found in the resources below may prove to be helpful to transit agencies preparing a pandemic response plan.

ADA and Face Mask Policies – Transit agencies may want to have a policy on face masks or provide voluntary masks on buses and in waiting areas. The Southeast ADA Center and Burton Blatt Institute (BBI) at Syracuse University maintains a [technical assistance web page about face mask policies and the ADA](#) (updated 9/15/2023) which provides examples of people with disabilities who may be unable to wear a face mask. This can include individuals with respiratory disabilities, people with post-traumatic stress disorder (PTSD) and others who may feel afraid when wearing a face mask, people with autism who are sensitive to touch and texture, people with difficulty moving small muscles in the hands, wrists, or fingers, and people who use mouth control devices to operate their assistive equipment.

Technical assistance resources were made available to transit agencies to help them best serve their riders with disabilities during the COVID-19 pandemic.

- In 2020, the Community Transportation Association of America (CTAA) published a [best practices article on wheelchair securement](#) during a pandemic. They recommended asking riders to turn their head towards the window as the driver secures their wheelchair, not having conversations during wheelchair securement, a process for sanitizing securement belts, and offering masks to riders.
- The National Aging and Disability Transportation Center (NADTC) posted guidance from eight national advocacy agencies representing persons with various types of disabilities on [Implementing New COVID-19 Policies for People with Disabilities](#).
- CDC published guidance for [bus transit operators](#), [paratransit operators](#), and [employers of paratransit operators](#).

COVID-19 can itself sometimes result in a disability. [Guidance from the U.S. Department of Health and Human Services Office for Civil Rights and U.S. Department of Justice Civil Rights Division](#) explains how the symptoms of long-term COVID-19 (“long COVID”) can be a disability under the ADA and other legislation.

Further reading:

- [Using Your Safety Management System \(SMS\) to Mitigate Infectious Disease and Respiratory Hazard Exposure](#)
- [National RTAP's Best Practices Spotlight Article on Coronavirus Disease 2019 \(COVID-19\)](#)
- [National RTAP's Coronavirus Disease 2019 \(COVID-19\): Information and Resources for Transit Technical Brief](#)

Emergency Management

- [CTAA's COVID-19 Resources and News web page](#)
- [American Public Transportation Association's \(APTA\) Public Transit Response to Coronavirus or COVID-19 web page](#)
- [National Aging and Disability Transportation Center's \(NADTC\) COVID-19 Resources web page](#)
- [National Aging and Disability Transportation Center's Blog \(NADTC\) What Have We Learned From the COVID Pandemic? \(April 2022\)](#)

See the [Safety, Security and Emergency Management Section/Lessons Learned from the COVID 19 Pandemic](#) of [National RTAP's Transit Manager's Toolkit](#) for general information about pandemic planning.

Section Sources:

- [Access Living, et al., Implementing New COVID-19 Policies for People with Disabilities, Memorandum to Transit Agencies, Labor Unions and other Transportation Providers, March 2020](#)
- [Centers for Disease Control and Prevention, Requirement for Face Masks on Public Transportation Conveyances and at Transportation Hubs \(CDC Archive\)](#)
- [Southeast ADA Center and Burton Blatt Institute \(BBI\) at Syracuse University, The ADA and Face Mask Policies Disabilities Issues Brief \(Updated 2023\)](#)
- [Transportation Security Administration, Security Directive 1582/84-21-01, Security Measures - Mask Requirements](#)
- [U.S. Department of Health and Human Services Office for Civil Rights and U.S. Department of Justice Civil Rights Division, Guidance on "Long COVID" as a Disability Under the ADA, Section 504, and Section 1557](#)

New Developments

This section of the Toolkit is dedicated to new topics and developments that relate to rural transit accessibility and the Americans with Disabilities Act (ADA) requirements that apply to rural public transit providers. It will be updated as new materials and information are available and when new questions emerge that may need additional explanation. This section is organized into the following subsections:

- New and Emerging Transportation Modes
- New and Emerging Technologies
 - Apps that Support People with Disabilities
 - Autonomous and Connected Vehicles
 - Wheelchair Charging Stations
- Section Sources

New and Emerging Transportation Modes

The public transportation industry involves a growing array of travel modes and technologies. “Shared mobility,” “microtransit,” and “shared micromobility” are often used to categorize transportation modes which are increasingly part of the landscape of community mobility options. Different organizations offer varying and interrelated definitions of these terms. See the [Glossary](#) in this Toolkit for definitions of these terms.

An overarching requirement of U.S. DOT ADA regulations is that “No entity shall discriminate against an individual with a disability in connection with the provision of transportation service” [[49 CFR Section 37.5\(a\)](#)]. In other words, any transportation service must be accessible to and usable by individuals with disabilities. Depending upon the service design, shared-used mobility, microtransit, and shared micromobility modes would be subject to the requirements of either the fixed route or demand responsive categories in [49 CFR Part 37](#), and vehicles may be subject to 49 CFR Part 38. A transit agency that is considering starting a shared-used mobility, microtransit, and shared micromobility program is advised to consult with the U.S. DOT or FTA to determine how these regulations apply. ADA compliance is required regardless of whether or not federal funding is used for a service or program. However, ADA compliance is also a condition of eligibility for federal funding [49 CFR Part 27]. Further, program access requirements of the U.S. Department of Justice (DOJ) ADA regulations may also apply.

Also, if any of these modes or technologies are used to provide part of a transit agency’s demand responsive system, whether or not federal funding is involved, the transit agency must ensure that the demand responsive system, when viewed in its entirety, provides a level of service to individuals with disabilities equivalent to the level of service it provides to individuals without disabilities. Equivalent service for individuals with disabilities must be provided in the most integrated setting appropriate to the needs of the individual and must be equivalent to the service provided other individuals with respect to seven service operating characteristics which are specified in 49 CFR Section 37.77(c), detailed in Section 7.4 of [FTA ADA Circular 4710.1](#), and summarized under Equivalent Service Standards in the [Demand Response Requirements](#) section of this Toolkit.

New Developments

These operating characteristics are:

- Response time
- Fares
- Geographic area of service
- Hours and days of service
- Restrictions or priorities based on trip purpose
- Availability of information and reservations capability
- Any constraints on capacity or service availability

New and Emerging Technologies

Apps that Support Persons with Disabilities

Web applications, known as “apps,” are increasingly being launched to help persons with disabilities access and use transit. According to [The Arc of Northern Virginia](#), navigating public transportation is essential to participation in the community. [The Arc of Northern Virginia’s Tech for Independent Living Team](#) creates free, fully customized, virtual lessons that support people with intellectual and developmental disabilities to create full participation in the community. The team uses [Arc2Independence](#), a downloadable, customizable app, to create virtual custom lessons in transportation, employment, daily living, and safety. Also see the YouTube video: [Travel with Arc2Independence](#).

Autonomous and Connected Vehicles

FTA is exploring the use of automation technologies in transit operations. FTA’s [Transit Automation Research web page](#) is based on the [Strategic Transit Automation Research \(STAR\) Plan](#) that outlines FTA’s research agenda on transit bus automation technologies. Autonomous, “self-driving” vehicles, could not only expand transit options in the future, but may also provide individuals with disabilities with expanded personal mobility choices. An autonomous vehicle is a vehicle that is capable of sensing its environment and moving safely with little or no human input. An autonomous vehicle is also referred to as a self-driving vehicle. Connected vehicles and infrastructure use technology to communicate with one another. [Strategic Transit Automation Research Plan 2.0: 2023-2028 \(Report 0264\)](#) is a successor to the original 2018 STAR Plan published by FTA. It builds upon the work accomplished from the 2018 STAR Plan (referred to now as STAR Plan 1.0) and provides strategic research and demonstration framework for the next five years to advance driving automation systems that meet public transportation needs. Key components of the plan include conducting enabling research on safe and effective transit automation deployments, demonstrating nearly-market-ready prototype technologies in real-world settings, and learning from and sharing knowledge with the transit stakeholder community.

A June 2018 report from the National Center for Mobility Management (NCMM), [Autonomous Vehicles: Considerations for People with Disabilities and Older Adults](#) introduces considerations for physical accessibility and interface (i.e., through an app or a website) accessibility considerations.

The Disability Rights Education & Defense Fund (DREDF) has published a [Letter for the Record, Autonomous Vehicles: Promises and Challenges of Evolving Automotive Technologies \(February 2020\)](#). The letter, written to the Consumer Protection and Commerce Subcommittee, Committee on Energy and Commerce, U.S. House of Representatives, focuses on the importance of vehicles and the surrounding infrastructure being “fully accessible, i.e., accessible to people with sensory,

cognitive, and physical disabilities, including wheelchair users, and people with neurological conditions, including seizure disorders.” The human to machine interface, hardware, and policy and legislation are also addressed.

In May 2022, the Consortium for Citizens with Disabilities (CCD) updated its [CCD Transportation Task Force Autonomous Vehicle Principles](#). This document lists principles and recommendations adopted by the CCD Transportation Task Force and partner advocacy organizations related to autonomous vehicle accessibility, licensing, insurance, costs, data (including privacy of users and safety data), infrastructure, legislation, research, funding, and service integration.

In April 2019, ITS America published a whitepaper titled [Driverless Cars and Accessibility: Designing the Future of Transportation for People with Disabilities](#). This document outlines the challenges for accessibility in road transportation and unique design considerations for automated vehicles. It discusses accessible human machine interfaces for automated vehicles. The whitepaper also recommends next steps for the industry and the disability community.

Widespread deployment of fully autonomous automobiles may not be as imminent as previously believed, according to news reports such as a July 2019 [article](#) in the New York Times. Automated vehicles are also very much an emerging technology in terms of regulation. NCMC's [Autonomous Vehicles: Considerations for People with Disabilities and Older Adults](#) notes that, at the time of the report, there was no federal law that specifically governs autonomous vehicles, while many state governments had passed laws that provide for research to be conducted, with some states having passed laws allowing autonomous vehicles to operate on public roads to be tested, or to establish a graduated regulatory system.

Among the [FAQs posted on the FTA website on transit automation](#) is a question on ADA compliance of automated transit vehicles. The response notes that partial automation would still have a driver present (who could provide assistance with securing wheelchairs or helping with other accessibility features). However, for fully automated operations, it is unclear how this assistance could be provided without having an employee in the vehicle.

In March and April 2021, the U.S. Access Board conducted [virtual meetings about autonomous vehicles](#). The [summary report on these events](#) provides an overview of accessibility considerations for riders with mobility disabilities, sensory disabilities, and cognitive disabilities. [The report includes a summary of the comments received from the online dialogue](#). The public forums highlighted a need to establish accessibility standards for autonomous vehicles and ensure that autonomous vehicles are designed for people with all types of disabilities.

This selected list of literature published on autonomous vehicles and considerations related to their use by people with disabilities indicates the complexity of this aspect of autonomous vehicle technology. As the technology (and U.S. DOT regulation) for automated vehicles continues to develop, National RTAP will continue to monitor any ADA-related considerations that may also emerge.

[Wheelchair Charging Stations](#)

Wheelchair charging stations are an amenity that some transit agencies are beginning to offer at transit stations and even on buses. Municipalities may also offer wheelchair charging stations near transit stations or bus stops. This is a customer amenity-related best practice rather than an ADA compliance concern. Providing riders who use power wheelchairs and other battery-powered mobility devices can help prevent the rider from getting stranded due to an exhausted battery. More information is available in National RTAP's Best Practices Spotlight Article: [Wheelchair Charging at](#)

[Transit Stations and on the Bus](#). In addition to the jurisdictions listed in the article, examples of municipalities that offer this amenity include the [City of Bellevue, Washington](#), and [Scott County, Iowa](#). [Meridian Township, Michigan](#) is also developing a paved trail and boardwalk that will include a wheelchair charging station.

Section Sources:

- [49 CFR Part 37- Transportation Services for Individuals with Disabilities \(ADA\)](#)
- [Bayless, Steven H. and Sara Davidson, Driverless Cars and Accessibility: Designing the Future of Transportation for People with Disabilities ITS America whitepaper, April 2019](#)
- [Boudette, Neal E., Despite High Hopes, Self-Driving Cars Are ‘Way in the Future,’ The New York Times, July 17, 2019](#)
- [Community Transportation Association of America \(CTAA\), CTAA Best Practices: Wheelchair Securement, 2020](#)
- [Consortium for Citizens with Disabilities, CCD Transportation Task Force Autonomous Vehicle Principles, December 3, 2018](#)
- [Disability Rights Education & Defense Fund, Letter for the Record, Autonomous Vehicles: Promises and Challenges of Evolving Automotive Technologies \(February 2020\)](#)
- [Federal Transit Administration, Frequently Asked Questions on Transit Automation](#)
- [Federal Transit Administration, FTA Circular 4710.1, Americans with Disabilities Act \(ADA\): Guidance](#)
- [Federal Transit Administration, web page on Shared Mobility](#)
- [Federal Transit Administration, web page on Transit Automation Research](#)
- [Feigon, Sharon and Colin Murphy, TCRP Research Report 188, Shared Mobility and the Transformation of Public Transit](#)
- [National Center for Mobility Management, Autonomous Vehicles: Considerations for People with Disabilities and Older Adults](#)
- [National Council on Disability, Self-Driving Cars: Mapping Access to a Technology Revolution](#)
- [National RTAP, Best Practices Spotlight Article: Wheelchair Charging at Transit Stations](#)
- [Shared-Use Mobility Center website](#)
- [Transportation for America, Shared Mobility Playbook](#)
- [U.S. Access Board, Public Forum on the Design of AVs: Summary Report, July 2021](#)
- [U.S. DOT, “Dear Colleague” letter on shared mobility, December 5, 2016](#)

Glossary

The following definitions are intended to assist rural transit agencies with understanding terminology introduced in this ADA Toolkit. Whenever possible, the definitions have been worded using “plain language” to help readers more easily understand general concepts. The definitions for some terms are directly excerpted from the U.S. Department of Transportation regulation in [49 CFR Part 37 - Transportation Services for Individuals with Disabilities \(ADA\)](#), Section 37.3. For some terms, [FTA Circular 4710.1, Americans With Disabilities Act \(ADA\): Guidance](#) either served as a source or is referenced for a more expansive discussion. Readers are advised to review [FTA ADA Circular 4710.1](#) as well as the various sections of this Toolkit for additional information.

“3/4-mile rule” – with respect to ADA complementary paratransit, this informal expression is sometimes used in this Toolkit to refer to the service area requirement for paratransit. As discussed in the ADA Complementary Paratransit section of this Toolkit, the paratransit service must be provided within three-quarters of a mile on either side of each fixed route as well as a three-quarter mile radius at the end of each fixed route, and within a ¾-mile radius of rail stations. This service area, plus small areas that are surrounded by the fixed route corridors within the transit agency’s core service area, is considered to be a geographic area of service that is equivalent to that of the fixed route service which the paratransit service complements.

Accessible - with respect to vehicles and facilities, complying with the accessibility requirements of 49 CFR Parts 37 and 38 [[49 CFR Part 37, Section 37.3](#)]. A key feature of an accessible transit vehicle is a lift or ramp that allows a person using a wheelchair or other mobility device to board and alight the vehicle.

Accessible formats – types of documents, electronic file formats, auxiliary aids and services provided to ensure communications access for people with vision, speech, or hearing disabilities.

ADA complementary paratransit – comparable “origin to destination” transportation service required by the ADA for individuals with disabilities who are unable to use fixed route transportation systems. The U.S. DOT requirements for this service are detailed in [49 CFR Part 37 Subpart F](#). The service is required to complement, or supplement, the fixed route service. (Note that a common misspelling is complimentary. However, the word complimentary means free or expressing praise or admiration—as in paying someone a compliment.)

Alighting – refers to a passenger exiting a vehicle. Also called disembarking or deboarding.

Alteration – a change to an existing facility, including, but not limited to remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement in structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions [[49 CFR Part 37, Section 37.3](#)].

Americans with Disabilities Act of 1990 (ADA) – A federal law that prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, state and local services, public accommodations, commercial facilities, and transportation (Civil Rights Division of U.S. Department of Justice (DOJ)).

Autonomous vehicle – a vehicle that is capable of sensing its environment and moving safely with little or no human input. Also referred to as self-driving vehicle.

Boarding – refers to a passenger entering a vehicle.

Braille – a tactile document or sign format in which letters of the alphabet and punctuation marks are represented by a system of raised dots which some people who are blind can read.

Capacity –With respect to ADA complementary paratransit, capacity generally refers to the ability of the transit agency to meet the demand for eligible passenger trips by eligible individuals. On paratransit and other demand response types of services, there can be capacity issues because there are limited vehicles and drivers operating during times of peak demand. Another capacity concern for ADA complementary paratransit is having enough telephone lines and reservations staff available to accept reservations during peak calling times. For more information on capacity constraints on ADA complementary paratransit, see Section 8.5 of [FTA ADA Circular 4710.1](#).

Comfort animal – an animal that provides comfort or emotional support to an individual by passively being with the individual. Also known as an emotional support animal.

Commingled service – service that combines different passenger rider groups. Also referred to as comingled. For example, a transit agency could commingle ADA complementary paratransit riders and general demand response riders in the same vehicle. It is also possible, though difficult, to commingle fixed route and ADA complementary paratransit service using the same vehicle. Under such a scenario, the transit agency would provide fixed route service, but deviate for ADA complementary paratransit-eligible persons with disabilities. For this type of commingled service, the transit agency must meet all of the ADA Complementary Paratransit requirements under [49 CFR Part 37 Subpart F](#).

Commuter bus service – fixed route bus service, characterized by service predominantly in one direction during peak periods, limited stops, use of multi-ride tickets, and routes of extended length, usually between the central business district and outlying suburbs. Commuter bus service may also include other service, characterized by a limited route structure, limited stops, and a coordinated relationship to another mode of transportation [[49 CFR Part 37, Section 37.3](#)].

Connected vehicles – vehicles that use technology to communicate with other vehicles and infrastructure.

Coordinated services – services that are provided or sponsored by multiple organizations or programs in cooperation, collaboration, or partnership with each other. Coordination allows service providers to leverage all of the resources in a community to increase mobility for everyone.

Curb-to-curb service – with respect to paratransit or other demand response service, a transit service in which the driver provides assistance in boarding and alighting the vehicle from and to the curb, but does not provide assistance beyond the curb.

Disembarking – refers to a passenger exiting a vehicle. Also called alighting or deboarding.

Door-to-door service – with respect to paratransit or other demand response service, a transit service in which the driver provides assistance beyond the curb (between the vehicle and the door to the passenger's origin and/or destination, which could be a residence, business, school, human service agency, medical center, government services building, etc.).

Demand response service - A transit mode comprised of passenger cars, vans or small buses operating in response to calls from passengers or their agents to the transit operator, who then dispatches a vehicle to pick up the passengers and transport them to their destinations [FTA National Transit Database (NTD)].

Demand responsive system – any system of transporting individuals, including the provision of designated public transportation service by public entities and the provision of transportation service by private entities, including but not limited to specified public transportation service, which is not a fixed route system [[49 CFR Part 37, Section 37.3](#)]. Also commonly referred to as demand response system. As described in [FTA ADA Circular 4710.1](#), demand responsive systems encompass a wide variety of service types, including traditional dial-a-ride service, taxi subsidy service, vanpool service, route deviation service, and complementary paratransit.

Deviated fixed route service – see route deviation service.

Direct threat – a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, procedures, or by the provision of auxiliary aids or services [[49 CFR Part 37, Section 37.3](#)].

Disability – with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment [[49 CFR Part 37, Section 37.3](#)].

Eligibility – with respect to ADA complementary paratransit, the U.S. DOT regulations limit eligibility to individuals who are unable to use fixed route services due to a disability. Eligibility for paratransit is to be based on an individual’s functional ability, specifically whether they are able to use the fixed route system independently. The regulations define three categories of eligibility: a person with a disability who cannot navigate the transit system without assistance, a person with a disability who requires an accessible vehicle when one is not available on fixed route, and a person with a disability who is unable to reach the transit stop. The regulatory requirements and nuances related to ADA complementary paratransit eligibility and the eligibility determination process are found in [49 CFR Part 37, Subpart F, Sections 37.123 and 37.125](#).

Equivalent facilitation – the process for requesting permission from FTA to depart from particular technical and scoping requirements for vehicles and facilities by use of other designs and technologies where the alternative designs and technologies used will provide substantially equivalent or greater access to and usability of the vehicle. Departures are to be considered on a case-by-case basis [[49 CFR 38.2](#)].

Equivalent service standards – with respect to general demand responsive service, there are seven service characteristics for determining equivalency of service for people with disabilities as compared to the general public, which are detailed in [49 CFR Part 37, Subpart E, Section 37.105](#): 1) response time, 2) fares, 3) geographic area of service, 4) hours and days of service, 5) restrictions or priorities based on trip purpose, 6) availability of information and reservations capability, and 7) any constraints on capacity or service availability.

Facility – all or any portion of buildings, structures, sites, complexes, equipment, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located [[49 CFR Part 37, Section 37.3](#)].

Fixed route service – operates along a prescribed route according to a fixed (regular) schedule.

Fixed route service with ADA complementary paratransit: a system of transporting individuals, including designated public transportation service by public and private entities, including, but not limited to public transportation service, on which a vehicle is operated along a prescribed route according to a fixed schedule. ADA complementary paratransit is comparable transit service required by the Americans with Disabilities Act (ADA) for people with disabilities who are unable to

use fixed route transportation systems. ([U.S. Department of Transportation Americans with Disabilities Act, FTA ADA Circular](#))

Fixed route system – a system of transporting individuals (other than by aircraft), including public transportation service by public and private entities, on which a vehicle is operated along a prescribed route according to a fixed (regular) schedule [adapted from [49 CFR Part 37, Section 37.3](#)].

Fixed schedule service: a hybrid service that provides door-to-door service according to a schedule.

Fixed stop – bus stop with a designated location, typically indicated by a sign.

Flag stop – a type of fixed route service that allows the bus to stop at any location along the route upon request and at the driver’s discretion.

Flexible route service (Route deviation): a blend of fixed-route and paratransit services that includes public fixed routes with published schedules that can flex off route up to a prescribed distance to pick up riders that may not be able to get to a bus stop.

Fold-down seats – seating installed on a transit vehicle that folds up when not in use. Fold-down seats installed in the wheelchair securement area fold up when the securement area needs to be occupied by a person in a wheelchair and can fold down for use by other riders when the securement area is not needed. Also referred to as “flip” seats.

Human Services Transportation - Transportation services provided by or on behalf of a human service agency to provide access to agency services and/or to meet the basic, day-to-day mobility needs of transportation-disadvantaged populations, especially individuals with disabilities, seniors, and people with low incomes. [FTA Circular 9070.1H](#)

Information accessibility - printed materials must be made available, upon request, in a format that is accessible to the person making the request, such as large print, Braille, sign language interpretation, or electronic files that can be read by screen reading technology.

Kneeling feature – on a transit bus, allows the driver to lower the front end of the vehicle to reduce the vertical distance between the bottom step and curb.

Lift – on a transit vehicle, a lift is a mechanical platform that raises from the ground to the vehicle so a person using a wheelchair or who is otherwise not able to climb stairs to board and alight the vehicle. Standards for the vehicle lift are found in 49 CFR Part 38, Section 38.23(b).

Microtransit – a service model that sits between traditional fixed route transit and the services provided by taxis and new, technology-enabled models like Uber and Lyft (transportation network companies, or TNCs). It is a demand responsive, commuter-focused service that typically uses ad-hoc pickup and drop-off points, within a few minutes’ walk of multiple customers, and generally within limited service zones. This shared mode uses vehicles smaller than transit buses but larger than the passenger vehicles commonly used by TNCs. The hallmark of microtransit is the ability to flexibly create routes and stops in response to customer rider demand (Shared Used Mobility Center).

Mobility device – a device that is designed to assist an individual with disabilities with locomotion. Examples include wheelchairs, canes, crutches, and walkers. Also called mobility aid.

Mobility management: an approach to designing and delivering transportation services that starts and ends with the rider. Partnerships between multiple agencies and organizations give riders a

variety of transportation options. See the [Operations and Planning, What is Mobility Management Section](#) of the Transit Manager's Toolkit and the New and Emerging Transportation Modes Section of this Toolkit.

No-show – with respect to ADA complementary paratransit and other demand response transit services, refers to a passenger missing a scheduled trip. For more information, see Section 9.12 of the FTA ADA Circular.

Non-Discrimination – prohibiting discrimination on the basis of race, color, religion, national origin, sex, disability, or age. Also known as nondiscrimination.

Operative condition – working condition; operational; functional. With respect to the U.S. DOT ADA regulations, transit agencies are required to maintain accessibility equipment, such as ramps lifts, and securement systems, in operative condition.

Origin-to-destination service – providing service from a passenger's origin to the passenger's destination [[49 CFR Part 37, Section 37.3](#)].

Over-the-road bus – a bus characterized by an elevated passenger deck located over a baggage compartment [[49 CFR Part 37, Section 37.3](#)].

Paratransit – comparable transportation service required by the ADA for individuals with disabilities who are unable to use fixed route transportation systems [[49 CFR Part 37, Section 37.3](#)].

Personal Care Attendant (PCA) - someone designated or employed specifically to help an individual meet their personal needs. A PCA typically assists with one or more daily life activities such as providing personal care, performing manual tasks, or providing assistance with mobility or communication. PCA assistance is not always needed during a transit trip itself [adapted from Section 9.8 of the FTA ADA Circular].

Priority seating – on a transit vehicle, seating that for which for riders with disabilities and seniors have priority use. Standards for signage for this seating are found in 49 CFR Part 38, Section 38.27.

Ramp – on a transit vehicle, refers to a mechanical platform that slopes from the passenger entrance to the curb or street so that riders using wheelchairs can roll on and off of the vehicle, and riders who are otherwise not able to climb stairs can more easily board and alight the vehicle. Standards for the vehicle ramp are found in 49 CFR Part 38, Section 38.23(c).

Reasonable modification – under the U.S. DOT ADA regulations, public transportation providers must make reasonable modifications (exceptions) to policies, practices, or procedures to accommodate an individual when changes are necessary to avoid discrimination on the basis of disability or to provide program accessibility to their services. Transit agencies are not required to make modifications that would either fundamentally alter the nature of the transit agency's services, programs, or activities or create a direct threat to the health or safety of others. The requirements for considering requests for reasonable modifications are found in [49 CFR Part 37, Subpart G, Section 37.169\(c\)](#). Examples of different types of requests for reasonable modifications are found [Appendix E to Part 37](#). See also [Section 2.10 of FTA ADA Circular 4710.1](#).

Response time – with respect to ADA complementary paratransit, refers to the amount of time needed to request a trip in advance, as detailed in [49 CFR Part 37, Subpart F, Section 37.131\(b\)](#).

Route deviation service – A system that permits user-initiated deviations from routes or schedules [[Section 37.3 of Appendix D to 49 CFR Part 37](#)]. Transit service that operates along established routes that typically have designated stops. Between these stops, vehicles deviate (depart) from an

established route to pick up or drop off riders within a defined off-route service area [[FTA ADA Circular 4710.1, Section 7.5.4](#)]. See Flexible route service.

Securement area or station – on a transit bus, a designated location for riders using wheelchairs, equipped with a securement system. Standards for the securement area are found in 49 CFR Part 38, Section 38.23(d).

Securement device, equipment or system – on a transit bus, equipment that is used to secure a wheelchair against uncontrolled movement during transport. Standards for securement equipment are found in [49 CFR Part 38, Section 38.23\(d\)](#).

Service animal – any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items [[49 CFR Part 37, Section 37.3](#)].

Shared micromobility – any small, human or electric-powered transportation solution, such as bikes, e-bikes, scooters, e-scooters or any other small, lightweight vehicle that is being used as a shared resource between multiple users. Systems usually allow point-to-point trips and the majority of companies provide a similar service model to the rider. Vehicles are distributed across a community and typically riders can use a smartphone to find and unlock a device, and pay for the trip using a mobile app. Currently, trip rates typically incorporate an initial flat fee plus a per-minute charge. Business operational models between companies vary greatly and affect the type of operations and maintenance provided (adapted from Transportation for America’s Shared Mobility Playbook).

Shared mobility – transportation services that are shared among users, including public transit; taxis and limos; bike sharing; carsharing (round-trip, one-way, and personal vehicle sharing); ridesharing (car-pooling, van-pooling); ride sourcing; scooter sharing; shuttle services; neighborhood jitneys; and commercial delivery vehicles providing flexible goods movement (FTA Shared Mobility web page).

Stanchion – an upright bar, post, or frame forming a support or barrier.

Standing in the shoes – acting on behalf (of another organization). An expression used in [49 CFR Part 37](#) to describe situations in which an organization is subject to the U.S. DOT requirements that are passed through a contract, grant award, or other relationship with another organization.

Stop announcements – under the U.S. DOT ADA regulations, on fixed route systems, transit agencies are required to notify passengers when the bus approaches certain bus stops and transfer points along the route, so that individuals with disabilities can be oriented to their location [[49 CFR Part 37, Section 37.167\(b\)](#)]. For more information, see [Section 6.6 of FTA ADA Circular, 4710.1](#).

Suspension – with respect to ADA complementary paratransit, temporary denial of service. Under the U.S. DOT regulations, transit agencies are allowed to suspend, for a reasonable period of time, the provision of complementary paratransit service to eligible individuals who establish a pattern or practice of missing scheduled trips (no-shows). The requirements related to suspension of ADA complementary paratransit are found in [49 CFR Part 37, Subpart F, Section 37.125\(h\)](#). For more information, see [Section 9.12 of FTA ADA Circular, 4710.1](#).

Travel training – one-on-one instruction to teach an individual how to ride fixed route transit for some or all of their trips.

Glossary

TTY – a teletypewriter, or text telephone, that allows a user to type text to another TTY user. Also known as Telecommunications Devices for the Deaf (TDD).

TTY relay service – service that facilitates telephone communication with individuals with hearing or speech disabilities TTY relay services consist of a relay operator (or communications assistant) who connects TTY calls with people who communicate by telephone. The operator converts voice-to-text and vice versa, with the text displayed on the user’s TTY.

Wayfinding – information that helps people navigate (find their way) through the environment. Sources of wayfinding information can include visual and tactile (touchable) signs and maps, audible signals and announcements, electronic information, use of contrasting color and texture on or along the walking surface, and more.

WC-19 – a voluntary standard set by the American National Standards Institute (ANSI)/Rehabilitation Engineering & Assistive Technology Society of North America (RESNA) that specifies design and performance requirements for wheelchairs that are suitable for use as seats in motor vehicles.

Wheelchair – a mobility aid belonging to any class of three- or more-wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered [[49 CFR Part 37, Section 37.3](#)]

Fixed Route Bus Service with ADA Complementary Paratransit Sample Policy

The purpose of this document is to provide rural public transit agencies with a sample of a written ADA policy for fixed route bus service with ADA complementary paratransit. This template is only appropriate for transit systems that provide fixed route bus services. Transit systems that provide route deviation, commingled fixed route and paratransit service and/or general demand responsive services (in addition to, or instead of, fixed route services) should refer to the sample ADA policy template for these types of services.

Instructions:

The transit agency is advised to carefully read all elements of this policy template and edit to reflect its local policies and practices. The items in red should be customized for the transit agency and its own local policies.

The items in purple are additional notes and instructions related to customizing the template. Please make sure to delete these comments in the final policy document.

____(insert name of transit agency)____

Americans with Disabilities Act of 1990 (ADA) Policy and Procedures

Date: _____

Introduction and Purpose

This ADA policy is written to establish operating and service guidelines and procedures for the implementation of the requirements of the Americans with Disabilities Act of 1990 (ADA), the U.S. Department of Transportation (U.S. DOT) regulations for implementing ADA (49 CFR Parts 27, 37 and 38), and applicable state laws and regulations. *Note: This policy template reflects federal requirements. The transit agency will need to research if there are any state-specific disability nondiscrimination requirements that apply to them. If there are no relevant state-specific requirements, the transit agency may want to delete “and applicable state laws and regulations” in their policy. If there are state-specific requirements, they will need to be addressed in the transit agency’s policy.* ____ (insert name of transit agency) ____ operates services on a fixed route basis. ____ (insert name of transit agency) ____ complies with ADA requirements with respect to such services.

Policy Statement

It is the policy of ____ (insert name of transit agency) ____ to comply with all the legal requirements of federal and state laws and regulations as they pertain to individuals with disabilities. If state laws and federal regulations are contradictory, the federal ADA regulations prevail. The transit system provides quality transportation services without discrimination to all persons including individuals

Sample ADA Policies for Rural Public Transit Systems

Fixed Route Bus Service with ADA Complementary Paratransit Sample Policy

with disabilities. Discrimination on the basis of disability against any person by transit system employees will not be condoned or tolerated.

Goals: Service is provided in a manner that meets these goals to:

1. Provide safe, accessible, and dignified services to all persons, including individuals with disabilities
2. Ensure that eligible individuals who are unable to board, ride or disembark from the fixed route service are provided complementary paratransit with comparable service availability and quality to the fixed route service
3. Expedite the safe and efficient boarding, securing, transporting, and alighting of all passengers, regardless of mobility status
4. Accommodate the wide range of mobility aids within the confines of available vehicles and commercial standard equipment

Applicability: This policy applies to all transit system employees, services, facilities and vehicles. It applies equally to all persons needing and/or using the services provided by the system.

Definitions:

Commuter Bus: Fixed route bus service, characterized by service predominantly in one direction during peak periods, limited stops, use of multi-ride tickets, and routes of extended length, usually between the central business district and outlying suburbs. Commuter bus service may also include other service, characterized by a limited route structure, limited stops, and a coordinated relationship to another mode of transportation.

Disability: With respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

Fixed Route Service: Operates along a prescribed route according to a fixed (regular) schedule.

Mobility Device: A device that is designed to assist an individual with disabilities with locomotion. Examples include wheelchairs, canes, crutches, and walkers. Also called mobility aid.

Route Deviation Service: A system that permits user-initiated deviations from routes or schedules.

Securement Area or Station: A designated location for riders using wheelchairs, equipped with a securement system.

Securement Device, Equipment or System: Equipment used for securing wheelchairs against uncontrolled movement during transport.

Service Animal: Any guide dog, signal dog, or other animal that has been individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

Wheelchair: A mobility aid belonging to any class of three- or more- wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.

General Guidance and Procedures for Implementing Policy

Recruitment and Employment: As stated in the transit system’s personnel policies, the agency is an Equal Opportunity Employer and fully complies with ADA in its recruitment, hiring and continued employment practices.

Facility and Vehicle Accessibility: The transit system administrative facility, passenger facilities and vehicles shall meet or exceed the requirements of 49 CFR Parts 27, 37 and 38 and requirements of the **State of _____**. If state requirements do not meet federal requirements, the federal ADA regulations prevail. All vehicles purchased for fixed route and route deviation service will be accessible. Vehicles purchased for demand response service will only be non-accessible to the extent that the demand response system, when viewed in its entirety, provides the same level of service for individuals with disabilities as for individuals without disabilities. The transit system will conduct an analysis of service equivalency prior to the acquisition of any inaccessible vehicles for demand-responsive service.

Vehicle and Route Assignment: To the extent possible, the assignment of particular types of vehicles will be based upon rider needs. All vehicles assigned to fixed routes and deviated routes will be accessible.

In addition to fixed route and route deviation service, **____(insert name of transit agency)____** also operates demand response service. To the extent that inaccessible vehicles comprise any proportion of the fleet, the transit system will ensure that equivalent service is provided to individuals with disabilities, including wheelchair users, that is consistent with U.S. DOT ADA regulations under [49 CFR Part 37, Section 37.77](#). This transportation will be provided in the most integrated setting appropriate to the needs of the individual and will be equivalent to the service provided other individuals with respect to:

- Response time
- Fares
- Geographic area of service
- Hours and days of service
- Restrictions or priorities based on trip purpose
- Availability of information and reservations capability
- Any constraints on capacity or availability

If your transit system does NOT operate demand response service other than route deviation, delete this paragraph and bullets.

Maintenance of Accessible Features: Accessibility features on vehicles, including lifts, ramps, wheelchair securement devices and public address systems, will be maintained in operative

condition. The preventive maintenance program of ___(insert name of transit agency)___ provides for regular and frequent maintenance checks of these features as well as preventive maintenance as recommended by the equipment manufacturers. In addition, the lift must be cycled as part of each pre-trip inspection. *Note: lift cycling as part of the pre-trip inspection is not required by ADA but is recommended by some states as a way to comply with the federal ADA requirement that transit systems conduct regular and frequent lift checks, sufficient to determine if lifts are actually operative.*

Drivers are required to report lift or ramp failures immediately. Vehicles with inoperative lifts or ramps will be removed from service and replaced with an accessible vehicle until the inoperative lift or ramp is repaired. Additional fixed route policies related to inoperative lifts or ramps are discussed under “Policies Specific to Fixed Route Service.”

Wheelchair Accommodation: All accessible vehicles meet or exceed the requirements of 49 CFR Part 38. Transportation providers are required to carry a wheelchair and its user, as long as the lift can accommodate the size and weight of the wheelchair and its user, and there is space in the securement area for the wheelchair on the vehicle without blocking the aisle. If a vehicle lift/ramp and securement area can accommodate a wheelchair (or other mobility device), ___(insert name of transit agency)___ will transport the device (and its user).

An individual who uses a wheelchair that, when occupied, exceeds the weight rating of the vehicle lift/ramp, will be offered the opportunity to board and disembark from the vehicle separately from the wheelchair. However, transit agency personnel are not (required OR permitted) to operate a passenger’s wheelchair. *Note: Select appropriate word depending on your agency policy. It is not required under the ADA regulations, and for safety reasons your local policy may wish to prohibit personnel from operating a passenger’s wheelchair.* The individual may travel with another individual who can assist with operating the unoccupied wheelchair to maneuver it on and off the lift/ramp.

Boarding: Drivers and scheduling practices will provide adequate time for a passenger with a disability to board and/or disembark the vehicle, which includes adjusting the schedule if necessary and waiting for passengers to be seated before moving the vehicle. Only a properly trained transit system employee can operate the lift or ramp and secure the wheelchair in the securement station. Passengers may board facing toward or away from the vehicle.

Priority Seating: With the exception of the wheelchair securement stations, the transit system does not require any passenger to sit in designated seating.

Priority seating for seniors and individuals with disabilities is to be designated by permanent signage in each vehicle. In cases where an individual with a disability requests use of priority seating that is currently occupied by another passenger, the driver will ask that passenger to move so as to allow the individual with a disability use of the priority seating. In cases where a wheelchair user requires the use of a securement location, the driver will ask any passenger (including other passengers with disabilities) to vacate the securement location.

Driver Assistance: Drivers will make themselves available for assistance to individuals with disabilities and will assist upon request of the passenger. Drivers will leave their seat to assist a passenger with using the vehicle ramp, lift and/or securement system. Drivers will use the accessibility-related equipment and features on their vehicles as described in these policies.

Wheelchair Securement: Note: Select one of the next two paragraphs depending on your agency policy. U.S. DOT regulations do not mandate securement unless requested by a rider using a wheelchair.

____(insert name of transit agency)____ does not require that wheelchairs be secured on board the vehicle. However, the driver will secure a passenger’s wheelchair if requested by the passenger.

OR:

____(insert name of transit agency)____ requires that all wheelchairs be secured. Drivers should not allow a passenger to ride if they are not secured properly unless the securement system will not accommodate the wheelchair. Drivers cannot deny a passenger a ride based on the inability to secure the wheelchair. However, drivers must warn the passengers of the danger of riding in a non-secured wheelchair. Passengers who refuse to allow their wheelchairs to be secured may be denied service.

Securement of wheelchairs is the responsibility of the driver. Drivers are trained in the proper operation of all securement equipment based on the equipment manufacturer’s specifications. Drivers will listen to and respect riders’ instructions on how to secure their equipment. Drivers cannot be expected to be familiar with each and every wheelchair type that may come aboard, and securement attachment points may differ by wheelchair manufacturer. The rider may be in the best position to instruct the driver on how to properly secure their mobility device.

If the securement system is not compatible with the wheelchair the passenger is using, the driver will still make an attempt to safely secure the wheelchair. If the wheelchair cannot be secured because of the wheelchair design, the passenger still has the right to ride in the vehicle.

Drivers must secure wheelchairs in the designated securement area only, even if the passenger wants their mobility device to be secured in a non-designated area. The wheelchair is not allowed to block the aisle.

Note: Select one depending on your agency policy. Make sure you treat all riders with and without disabilities the same. Seat belts and shoulder harnesses are recommended but not required for passengers riding in their secured wheelchair. **OR:** Seat belts and shoulder harnesses are required for ALL passengers. Seat belts will never be used instead of independent securement of the passenger’s wheelchair.

In cases where an individual using a wheelchair attempts to board and requires use of a securement location that is currently occupied by another passenger that is not using a wheelchair, the driver will ask that passenger to allow the individual using a wheelchair to use the securement position.

Use of Lift or Ramp by Individuals with Disabilities Not Using a Mobility Device: The driver will deploy the lift or ramp for an individual with a disability who is not using a mobility device to board or alight the vehicle upon request.

Accommodation of Other Mobility Devices: Mobility devices that are not wheelchairs, but which are primarily designed to for use by individuals with mobility impairments, will be accommodated to the extent that the ADA-compliant lift or ramp and securement areas can safely do so. However,

these devices are the responsibility of the individual passenger, and must be secured in a manner that does not interfere with the safe operation of the vehicles and the transport of other passengers.

Transfer to Fixed Seating: All passengers using wheelchairs have an option of transferring to fixed seating once on board the vehicles. Drivers may recommend, but never require, wheelchair users to transfer to fixed seating. No waivers are allowed to be required.

Accommodation of Portable Oxygen: Individuals are allowed to travel with respirators and portable oxygen supplies on board, consistent with applicable U.S. DOT rules on the transportation of hazardous materials in 49 CFR Subtitle B, Chapter 1, Subchapter C. *Note: U.S. DOT requirements related to transportation of hazardous materials not part of the U.S. DOT ADA requirements and thus are not spelled out in this ADA policy template.*

Service Animals: In compliance with [49 CFR Part 37](#), the transit system allows trained service animals to accompany passengers with disabilities. The driver will not ask for proof of the qualifications of the animal but may ask what tasks the animal has been trained to perform. However, any animal which is not under the passenger's control or which becomes a direct threat to the health or safety of other passengers may be restricted from riding.

Alighting: It is the responsibility of the driver to determine that the location for passenger alighting is safe. For fixed route, the driver will allow a passenger who uses the lift or ramp to alight at any stop, unless the lift or ramp cannot be deployed, will be damaged if deployed, or conditions at the stop would present unsafe conditions for all passengers. Only the driver will unsecure the wheelchair and operate the lift or ramp to return the passenger to the ground level.

Staff Training: All drivers and transit system staff are trained to proficiency in use of accessibility equipment, the operating policies related to each of the service requirements described, and in properly and respectfully assisting and treating individuals with disabilities with sensitivity. Mechanics are also trained to properly maintain lifts and other accessibility equipment.

Rider Information: All printed informational materials are made available in accessible formats upon request, for example, large print for individuals with low vision or audio for blind individuals, as well as accessible electronic formats.

Complaint Procedure: All complaints of discrimination on the basis of disability will be promptly and objectively investigated and forwarded to the __(insert title of employee responsible for responsible for coordinating the transit agency's compliance with [49 CFR Part 37](#))__ and promptly and objectively investigated. __(insert name of transit agency)__ will promptly communicate its response to the complaint allegations, including its reasons for the response, to the complainant. The response will be documented. Corrective or disciplinary action will be taken for behavior prohibited by this policy, up to and including termination of employment. *Note: attach the instructions that the transit agency provides to the public, as well as the complaint form if one has been established.* Documentation of each complaint will be kept on file for __(insert local recordkeeping policy)__. *Note: the DOT regulations require FTA grantees to maintain all complaints of noncompliance with 49 CFR Part 27 for one year, and a record of all such complaints, which may be in summary form, for five years.*

Reasonable Modification of Policy: If a passenger with a disability requires modification of any of ___(insert name of transit agency)___'s policies and practices to accommodate their disability to use the service, the passenger may request such a modification by contacting ___(insert name or office to which requests for modification of policy should be directed)____. The transit system will work with the individual to find an acceptable accommodation solution.

Where a request for modification cannot practicably be made and determined in advance operating personnel will make a determination of whether the modification should be provided at the time of the request. Operating personnel may consult with ___(insert name of transit agency)___ management before making a determination to grant or deny the request.

Requests for modification of policies and practices may be denied only on one or more of the following grounds:

- Granting the request would fundamentally alter the nature of ___(insert name of transit agency)___'s services, programs, or activities;
- Granting the request would create a direct threat to the health or safety of others;
- Without the requested modification, the individual with a disability is able to fully use ___(insert name of transit agency)___'s services, programs, or activities for their intended purpose.

In any case in which ___(insert name of transit agency)___ denies a request for a reasonable modification, the agency shall take, to the maximum extent possible, other actions (that would not result in a direct threat or fundamental alteration of service) to ensure that the individual with a disability receives the services or benefit provided by ___(insert name of transit agency)___.

Guidelines and Procedures for Implementing Policy Specific to Fixed Route Services

Inoperative Lifts and Ramps: Vehicles with inoperative lifts must be taken out of fixed route service as soon as possible (no later than the beginning of the vehicle's next service day) and inoperative equipment will be replaced promptly with an accessible spare vehicle. The inoperative lift will be repaired before the vehicle returns to service. For vehicles equipped with ramps, it may be possible to continue in service as long as the ramp can be and is deployed manually when necessary. If an inoperative ramp cannot be (or is not) deployed manually, the transit agency will apply the policy for a vehicle with an inoperative lift.

If there is no accessible spare vehicle available to take the place of a vehicle with an inoperable lift/ramp on a route, the vehicle with the inoperable lift/ramp may be kept in service for no more than *three days maximum if the entity serves an area of over 50,000 population – OR five days if the entity serves an area of 50,000 or less population*. In such cases alternative transportation will be provided to individuals with disabilities who are unable to use the vehicle because its lift/ramp does not work. *Note: Alternative transportation is only required if the headway to the next accessible vehicle on the route exceeds 30 minutes, but few rural and small urban systems operate on such frequent headways.*

Route Identification to Passengers Waiting at Shared Stops: Where vehicles for more than one route serve the same stop, each driver will stop and announce their route to passengers waiting at the stop. These stops have been listed for each route and the lists are provided to drivers during training. *Note: The agency may wish to attach the lists of these stops to the policy. Note: as a supplemental approach,*

if preferred by the customers in your community, the agency may provide customers with route hailing kits (containing numbered cards, for example) to allow passengers to inform drivers of the route they want to use or to be identified by the driver as a potential customer seeking a ride on a particular route.

Route Orientation Announcements: Fixed route drivers will announce the following stops to passengers on board the vehicle (using the vehicle’s public address system on larger vehicles if such is available): 1) transfer points with other routes, 2) major intersections or destination points, 3) sufficient intervals along a route to orient passengers with visual disabilities to their location, and 4) any stop requested by a passenger with a disability. Stops that fall into the first three categories are listed for each route and provided to drivers during training. *Note: The agency may wish to attach the lists of these stops to the policy.*

Bus Stop Accessibility: When establishing new bus stops, it is the policy of ___(insert name of transit agency)___ to select locations that are accessible to riders using mobility devices, to the extent feasible. When installing improvements at existing bus stops, the improvements will be made accessible in accordance with US DOT ADA standards for transportation buildings and facilities. In the event that a particular stop is not accessible, the transit system will provide complementary paratransit to any individual who is unable to use the fixed route system because that stop is inaccessible. If an individual with a disability requests that an existing stop be made accessible, ___(insert name of transit agency)___ will work with the jurisdiction that is responsible for the street and sidewalk (if applicable) to include accessibility improvements to the stop within the jurisdiction’s ADA transition plan for sidewalks.

ADA Complementary Paratransit: Individuals who are unable to use the fixed route service because of a disability will be provided with complementary paratransit service that is comparable to the fixed route service in service availability and quality. The policies for ADA Complementary Paratransit are provided in the next section. *Note: ADA Complementary Paratransit is not required for commuter bus service.*

Guidelines and Procedures for Implementing Policy Specific to ADA Complementary Paratransit Services

Introduction: ___(insert name of transit agency)___ provides ADA complementary paratransit services for individuals whose disabilities prevent them from independently using the fixed route system. This is demand response service that is equivalent to the fixed route service in terms of service characteristics as described under [49 CFR Part 37, Subpart E](#).

Eligibility Determination Process: To be eligible to use the ADA complementary paratransit service, applicants must complete an ADA complementary paratransit eligibility determination process. Eligible individuals will receive documentation of ADA complementary paratransit eligibility, which can be used in other areas.

Eligibility Criteria: The certification process strictly limits ADA complementary paratransit eligibility to the regulatory definition of eligibility. Only those persons who meet the regulatory definition will be given documentation indicating that they are “ADA Paratransit Eligible.” A person will be considered eligible for ADA complementary paratransit if:

Sample ADA Policies for Rural Public Transit Systems

Fixed Route Bus Service with ADA Complementary Paratransit Sample Policy

- The individual is unable, as the result of a physical or mental impairment (including a vision impairment), and without assistance of another individual (except the operator of a wheelchair lift/ramp or other boarding assistance device), to board, ride, or disembark from any vehicle on the system which is readily accessible to and usable by individuals with disabilities.
- The individual with a disability is capable of using the system with the assistance of a wheelchair lift/ramp but the route they want to use is not sufficiently ADA accessible for the individual to use it.
- The individual with a disability has a specific impairment-related condition, which prevents such individual from traveling to a fixed route boarding location or from a disembarking location.

Temporary eligibility for ADA complementary paratransit service will be allowed for those with a disability that is only temporary in nature. Temporary eligibility is established during the certification process.

Note: If your system uses Conditional Eligibility, include the following paragraph. In addition, if individuals who are determined to be ADA complementary paratransit eligible can use fixed route service under certain conditions (for example, trips for which they have been trained to navigate or under variable conditions that affect an individual's disability), the eligibility will be considered "Conditional" and documentation which they are given will indicate the limitations/condition of their eligibility.

Application Form: A copy of the application form used for ___(insert name of transit agency)___ ADA complementary paratransit service is provided at the end of this section. *Attach.* Large print, audio, electronic, and other accessible formats are available upon request, as well as in Spanish *or other applicable language per your system's Limited English Proficiency / Language Assistance Plan.*

Review Process and Time Frame: Upon receipt of a completed application, ___(insert name of transit agency)___ will review the application and determine the individual's eligibility within 21 days of receipt. This responsibility has been assigned to the ADA Coordinator *or other designated individual.* If a determination is not made within 21 days, the applicant is treated as eligible and will receive service until such time as a determination of eligibility is made.

Note: If your system also relies on an in-person assessment, include a description of this process, responsible parties, and time frame.

Notification of Eligibility: Each applicant will be notified in writing by mail of their status within 21 days of submitting a properly completed application *(and completing the in-person assessment if applicable).* If determined eligible, this letter will serve as temporary eligibility documentation as described below. The procedures for using ADA complementary paratransit will also be mailed with this letter in a format useable by the individual (such as large print, audio, or electronic file).

Those persons determined to be ineligible will be provided with specific information as to why their application was rejected and instructions on how they can appeal the decision (described below). This information will also be mailed with this letter in a format useable by the individual.

Documentation: The ___(insert name of transit agency)___ will provide certified individuals with documentation that can be used as identification for reciprocal eligibility for ADA complementary

Sample ADA Policies for Rural Public Transit Systems Fixed Route Bus Service with ADA Complementary Paratransit Sample Policy

paratransit service in other areas of the communities in the United States. This documentation will include the following information:

- Name of eligible individual
- Name of certifying transit provider – (insert name of transit agency)
- Telephone number of the (insert name of transit agency) ADA Coordinator
- Whether or not the rider requires use of a lift or ramp
- Expiration date
- Any conditions or limitations on eligibility
- Whether person travels with a PCA
- Information on the appeal process if the individual is denied eligibility or has conditions placed on eligibility.

Term of Eligibility: Once determined eligible, a person maintains eligibility for years. Recertification is required every years. *Note: Fill in the number of years, per your system’s specific eligibility process. The ADA regulations state that recertification may be required at “reasonable intervals.” Typical intervals used by many transit systems are three and five years.* Persons given temporary eligibility remain eligible for the duration of time of the temporary disability, as determined through the certification process and indicated in the documentation that is to be provided to the applicant.

Appeals Process: The appeals process will be explained to all applicants who are rejected or permitted only partial (conditional or temporary) service. The applicant has 60 days to file an appeal with (insert name of transit agency) , with the decision to be made by the (insert name of transit agency) Chief Operating Officer *or other official not involved in the original decision*. The notification of intent to appeal may be submitted in person, by telephone, or in writing. Written appeals may not be required, but riders may have that option. The applicant will be afforded an opportunity to be heard and to present information and arguments in person. The Chief Operating Officer has 30 days from the date of the appeal to render a decision concerning the appeal. If a decision is not reached within 30 days, the applicant will be presumed eligible until a decision has been reached. The ADA regulations require that the person who makes a determination on an appeal must not be involved in the initial determination of the individual’s eligibility. *Note: The ADA establishes the right to complementary paratransit as a civil right, and as such, there is an obligation on the part of the transit system to ensure “due process.” Small transit agencies that do not have enough internal staff to have a second decision-maker for the appeals process could consider involving external individuals with disabilities or specialists in various types of disabilities (such as orientation and mobility specialists, mental health professionals, social workers, physical and occupational therapists). See Chapter 9 of FTA Circular 4710.1 for an explanation on the separation of functions required for the appeals process (Section 9.7.2) and suggestions for selecting individuals to hear appeals (Section 9.7.4).*

ADA Complementary Paratransit Service for Visitors: ADA complementary paratransit eligible individuals visiting from other localities outside of the system’s service area will also be served when eligible trips are requested. The visiting individual’s local certification will be honored by (insert name of transit agency) . If a visitor does not have ADA complementary paratransit certification from another jurisdiction, but makes a claim of eligibility, that claim will be honored as required by the ADA. However, in such cases, (insert name of transit agency) reserves the right to require proof that the individual is not a local resident, and if the individual has a disability which is not

apparent. Service to visitors is limited to 21 days during any 365-day period beginning with the visitor's first use of the service during that period. Visitors who anticipate requiring service for more than 21 days in a 365-day period must apply for eligibility.

Personal Care Attendants: ___(insert name of transit agency)___ will provide ADA complementary paratransit service for a personal care attendant (PCA) traveling with the eligible rider. The need to travel with a PCA will be determined by the applicant and noted as part of the eligibility determination process. It is important to note that the PCA may not directly be needed for transportation but may be needed at the individual's trip destination (for example, to assist with grocery shopping) and thus need for a PCA will not be limited to those individuals who require assistance in traveling. An individual who is certified as needing a PCA cannot be denied service if they chose to travel without a PCA, and may not be required to travel with the same PCA for every trip.

Service Characteristics and Operating Policies: ADA complementary paratransit is comparable to ___(insert name of transit agency)___'s fixed route system (excluding commuter bus routes), based on the following service characteristics and operating policies.

Geographic Service Area: ADA complementary paratransit is provided within a three-quarter mile radius corridor surrounding each fixed route, plus relatively small areas enclosed by fixed routes. *Attach a map of the service area and/or boundaries of areas covered.*

Days and Hours of Service: ADA complementary paratransit is provided within the same days and hours as the fixed route services. *Attach the current fixed route operating schedules.*

Fares: The one-way trip charge for ADA complementary paratransit is \$ _____. The fare charged for ADA complementary paratransit will not exceed twice the regular general public cash fare for the equivalent trip on the fixed route service. In the event that the regular public cash fare is increased the transit system may increase the ADA complementary paratransit fare accordingly. *Attach the current fixed route and paratransit fares.*

If the ADA complementary paratransit-eligible individual travels with a PCA, the PCA will not be charged a fare for ADA complementary paratransit.

Trip Purpose: ADA complementary paratransit is provided for trips of any purpose; no priorities are placed on specific types of trips.

Trip Scheduling and Response Time: Reservations are accepted for ADA complementary paratransit trip reservations on a next-day basis, until regular close-of-business hours. Riders may schedule trips by calling the ___(insert name of transit agency)___ office Monday through Friday from _____ a.m. to _____ p.m., Saturday from _____ a.m. to _____ p.m., and Sunday _____ a.m. to _____ p.m. *(if applicable)* to schedule trips for the next service day. For trips on Monday and service days following holidays, reservations are accepted on Sundays and holidays via _____. *Note: Detail how your system meets this requirement such as an answering machine/pager, Sunday office hours, or other means.*

Service Capacity and Scheduling Flexibility: As required, ___(insert name of transit agency)___ will provide adequate capacity to meet all demand for eligible ADA complementary paratransit trips. In some cases, it may be necessary to negotiate trip times with the rider; however, in no case will any trip be scheduled more than one hour before or after the rider’s desired time (that is, a trip requested for 11:00 a.m. may be scheduled as early as 10:00 a.m. or as late as 12:00 noon).

In order to meet the ADA requirement for ensuring adequate capacity, ___(insert name of transit agency)___ will monitor the following indicators of capacity to ensure that no patterns or practices of capacity constraints are found:

- **On-time performance** – ___(insert name of transit agency)___ measures on-time performance according to vehicles that arrive within a promised ___(insert number of minutes)___ “window” of time. A vehicle that arrives within this “window” is considered on-time. *Note that the FTA considers a pick-up “window” of longer than 30 minutes to be unacceptable. For example, if the rider is promised the vehicle will arrive between 10:15 to 10:45 am, the vehicle is considered on-time if it arrives at 10:16, 10:33 or 10:45. The ADA prohibits substantial numbers of significantly untimely pick-ups for initial or return trips, as this may be a capacity constraint. Refer to Chapter 8, Section 8.5.3 of the FTA ADA Circular for a discussion on determining what would be untimely service.* ___(insert name of transit agency)___ will try to ensure that all trips are on-time but because of the realities of operating conditions (e.g., poor weather, road construction), not all trips will be on-time. Should on-time performance fall below ___ percent, actions will be taken to address and improve trip timeliness.
- **Trip denials and missed trips** – ___(insert name of transit agency)___ plans to meet all requests for ADA complementary paratransit service based on expected demand and to avoid any trip denials or missed trips. There may be insignificant numbers of trips denied due to unforeseen conditions. There may also be an insignificant number of missed trips, defined as a trip where the vehicle arrives late and the rider either is no longer there or declines the trip due to lateness, because of the realities of operating conditions. Trip denials and missed trips will be monitored to ensure capacity is adequate.
- **Trips with excessive lengths** – ___(insert name of transit agency)___ monitors travel times on ADA complementary paratransit to ensure comparability to the same or comparable trip if taken on fixed route. *Note: FTA recommended basing complementary paratransit travel time on the comparable fixed route travel time, plus 20 to 30 minutes to allow for a reasonable estimate of time spent walking to and from a bus stop, waiting for the bus to arrive, and making any necessary transfers from one vehicle to another. State DOTs may have additional guidance for subrecipients around this requirement. If state requirements/guidance and federal regulations are contradictory, the federal ADA regulations prevail. Paratransit trip lengths must be monitored to ensure compliance with ADA. For FTA guidance on setting performance standards on and monitoring trip lengths, see Section 8.5.5 of the FTA ADA Circular.*

Subscription Trips: As permitted by the ADA regulations), ___(insert name of transit agency)___ may provide a portion of its ADA complementary paratransit trips on a subscription basis (also called standing orders). Unlike other ADA complementary paratransit trips, trip priorities and waiting lists for subscription service may be established. *You can decide to set priorities for subscription service – if so note here.* ___(insert name of transit agency)___ does not have capacity constraints, there are no restrictions on the percentage of trips that will be provided as subscription trips. *Note: The*

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requirements specify that subscription service may not absorb more than 50 percent of the available trips at any time of the service day, unless there remain trips available for non-subscription riders. That is, as long as there is capacity available for non-subscription trips (i.e., no trip denials) for next-day service, trips for subscription riders may exceed 50 percent of the available trip capacity.

Companions: An ADA complementary paratransit rider is permitted to travel with at least one companion (and more than one on a space-available basis). Companion passengers pay the same fare as ADA riders. The eligible ADA rider shall reserve space for the companion(s) when the rider reserves the ride. Any companions traveling with the eligible individual must share the same trip origin and destination as the eligible individual. The companion is in addition to any PCA with which the rider may travel.

Origin-to-Destination Service and Passenger Assistance: ADA complementary paratransit services will be provided on a curb-to-curb basis. Note if you do all trips door-to-door and, if so, adjust the next paragraph. ___(insert name of transit agency)___ drivers will assist ADA complementary paratransit riders with boarding and disembarking from vehicles and in securing their mobility devices. All drivers who operate ADA complementary paratransit services will be proficiently trained in passenger assistance and sensitivity towards individuals with disabilities.

Riders will be required to travel to the curb outside of their trip origin in time for their scheduled pick-up. Riders who require additional assistance in the form of door-to-door service in order to use the ADA complementary paratransit may request a modification of this policy by contacting the ADA coordinator at _____. In such case, the driver will provide assistance on a door-to-door basis. This ensures that ___(insert name of transit agency)___ meets the ADA requirement to provide service on an “origin to destination” basis. While limited assistance in guiding a passenger from their door to the curb may be provided on a case-by-case basis, this must be prearranged and indicated when the trip is scheduled.

The staff of ___(insert name of transit agency)___ will not lift a passenger, leave a vehicle unattended or out of visual observation for a lengthy period of time, enter a rider’s home, care for service animals, operate a power wheelchair, provide personal care attendant (PCA) service, or take actions that would be clearly unsafe. If more extensive assistance is needed by the individual than ___(insert name of transit agency)___ can provide as a provider of public transportation, the individual will be responsible for arranging personal assistance. Staff of ___(insert name of transit agency)___ will work with the individual and/or the rider’s caregiver/social worker to clarify parameters of the assistance provided by the driver and formally document this in a letter sent to the individual.

No Show Policy: If no-shows become a problem for ADA complementary paratransit riders, the ___(insert name of transit agency)___ will establish an ADA no-show policy with input from the disability community. A no-show policy allows a transit system to discipline riders who establish a pattern or practice of missing scheduled trips, which can have a negative effect on paratransit performance. *If your transit agency has established a no-show policy, replace this paragraph with your local policy. The FTA ADA Circular provides a sample no-show policy as an attachment to Chapter 9.*

Demand Response Service Sample Policy

The purpose of this document is to provide rural public transit agencies with a sample of a written ADA policy for demand response services. This sample policy template is appropriate for transit systems that provide general demand responsive services. Transit systems that provide fixed route with ADA paratransit, commingled fixed route and paratransit service and/or route deviation services (in addition to, or instead of, general demand responsive services) should refer to the sample ADA policy template for these types of services.

Instructions:

The transit agency is advised to carefully read all elements of this policy template and edit to reflect its local policies and practices. The items in red should be customized for the transit agency and its own local policies.

The items in purple are additional notes and instructions related to customizing the template. Please make sure to delete these comments in the final policy document.

____(insert name of transit agency)____

Americans with Disabilities Act of 1990 (ADA) Policy and Procedures

Date: _____

Introduction and Purpose: This ADA policy is written to establish operating and service guidelines and procedures for the implementation of the requirements of the American with Disabilities Act of 1990 (ADA), the U.S. Department of Transportation regulations for implementing ADA (49 CFR Parts 27, 37 and 38), and applicable state laws and regulations. *Note: This policy template reflects federal requirements. The transit agency will need to research if there are any state-specific disability nondiscrimination requirements that apply to them. If there are no relevant state-specific requirements, the transit agency may want to delete “and applicable state laws and regulations” in their policy. If there are state-specific requirements, they will need to be addressed in the transit agency’s policy.* ____ (insert name of transit agency) ____ operates services on a demand response basis. ____ (insert name of transit agency) ____ complies with ADA requirements with respect to such services.

Policy Statement: It is the policy of ____ (insert name of transit agency) ____ to comply with all the legal requirements of federal and state laws and regulations as they pertain to individuals with disabilities. If state laws and federal regulations are contradictory, the federal ADA regulations prevail. The transit system provides quality transportation services without discrimination to all persons including individuals with disabilities. Discrimination on the basis of disability against any person by transit system employees will not be condoned or tolerated.

Goals: Service is provided in a manner that meets these goals to:

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Demand Response Service Sample Policy

1. provide safe, accessible, and dignified services to all persons, including individuals with disabilities.
2. expedite the safe and efficient boarding, securing, transporting, and alighting of all passengers, regardless of mobility status.
3. accommodate the wide range of mobility aids within the confines of available vehicles and commercial standard equipment.

Applicability: This policy applies to all transit system employees, services, facilities and vehicles. It applies equally to all persons needing and/or using the services provided by the system.

Definitions:

Disability: With respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

Fixed Route Service: Operates along a prescribed route according to a fixed (regular) schedule.

Mobility Device: A device that is designed to assist an individual with disabilities with locomotion. Examples include wheelchairs, canes, crutches, and walkers. Also called mobility aid.

Securement Area or Station: A designated location for riders using wheelchairs, equipped with a securement system.

Securement Device, Equipment or System: Equipment used for securing wheelchairs against uncontrolled movement during transport.

Service Animal: Any guide dog, signal dog, or other animal that has been individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

Wheelchair: A mobility aid belonging to any class of three- or more- wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.

General Guidance and Procedures for Implementing Policy

Recruitment and Employment: As stated in the transit system's personnel policies, the agency is an Equal Opportunity Employer (EOE) and fully complies with ADA in its recruitment, hiring and continued employment practices.

Facility and Vehicle Accessibility: The transit system administrative facility, passenger facilities and vehicles shall meet or exceed the requirements of 49 CFR Parts 27, 37 and 38 and requirements of the **State of _____**. If state requirements do not meet federal requirements, the federal ADA regulations prevail. Vehicles purchased for demand response service will only be non-accessible to the extent that the demand response system, when viewed in its entirety, provides the

same level of service for individuals with disabilities as for individuals without disabilities. The transit system will conduct an analysis of service equivalency prior to the acquisition of any inaccessible vehicles for demand-responsive service.

Vehicle and Route Assignment:

Note: Select one of the next two scenarios depending on whether or not your agency's demand response vehicle fleet is 100% accessible.

All demand response vehicles operated by ___(insert name of transit agency)___ are accessible and persons with disabilities, including wheelchair users, can board any vehicle. To the extent possible, the assignment of particular types of vehicles will be based upon rider needs.

OR:

The demand response system of ___(insert name of transit agency)___, when viewed in its entirety, is accessible. All trips by wheelchair users will be assigned to accessible vehicles. To the extent possible, the assignment of particular types of vehicles will be based upon rider needs. Trip denials will be tracked by whether or not a rider requires use of the lift or ramp, to monitor that service is not disproportionately denied to individuals with disabilities because an accessible vehicle is not available. ___(insert name of transit agency)___ provides demand response rural public transportation and provides equivalent service to individuals with disabilities, that is consistent with U.S. DOT ADA regulations under [49 CFR Part 37, Section 37.77](#). This transportation will be provided in the most integrated setting appropriate to the needs of the individual and will be equivalent to the service provided other individuals with respect to:

- Response time
- Fares
- Geographic area of service
- Hours and days of service
- Restrictions or priorities based on trip purpose
- Availability of information and reservations capability
- Any constraints on capacity or availability

Maintenance of Accessible Features: Accessibility features on vehicles, including lifts, ramps, wheelchair securement devices and public address systems, will be maintained in operative condition. The preventive maintenance program of ___(insert name of transit agency)___ provides for regular and frequent maintenance checks of these features as well as preventive maintenance as recommended by the equipment manufacturers. As good practice, it is recommended the lift be cycled as part of daily pre-trip inspections. *Note: Your transit agency's policy may be to require lift cycling—and some states require it for subrecipients—in which case the preceding text needs to be edited.*

Inoperative Lifts and Ramps: Drivers are required to report lift or ramp failures immediately. Vehicles with inoperative lifts will be removed from service and replaced with an accessible vehicle until the inoperative lift is repaired. For vehicles equipped with ramps, it may be possible to continue in service as long as the ramp can be and is deployed manually when necessary. If an inoperative

ramp cannot be (or is not) deployed manually, the transit agency will apply the policy for a vehicle with an inoperative lift.

Wheelchair Accommodation: All accessible vehicles meet or exceed the requirements of 49 CFR Part 38. Transportation providers are required to carry a wheelchair and its user, as long as the lift can accommodate the size and weight of the wheelchair and its user, and there is space in the securement area for the wheelchair on the vehicle without blocking the aisle. If a vehicle lift/ramp and securement area can accommodate a wheelchair (or other mobility device), ___(insert name of transit agency)___ will transport the device (and its user).

An individual who uses a wheelchair that, when occupied, exceeds the weight rating of the vehicle lift/ramp, will be offered the opportunity to board and disembark from the vehicle separately from the wheelchair. However, transit agency personnel are not (required OR permitted) to operate a passenger's wheelchair. *Note: Select appropriate word depending on your agency policy. It is not required under the ADA regulations, and for safety reasons your local policy may wish to prohibit personnel from operating a passenger's wheelchair.* The individual may travel with another individual who can assist with operating the unoccupied wheelchair to maneuver it on and off the lift/ramp.

Boarding: Drivers and scheduling practices will provide adequate time for a passenger with a disability to board and/or disembark the vehicle, which includes adjusting the schedule if necessary and waiting for passengers to be seated before moving the vehicle. It is the responsibility of the driver to determine the safest location for passenger boarding based on conditions and individual needs upon arrival at the pickup site. Only a properly trained transit system employee can operate the lift or ramp and secure the wheelchair in the securement station. Passengers may board facing toward or away from the vehicle.

Wheelchair Securement: Note: Select one of the next two paragraphs depending on your agency policy. U.S. DOT regulations do not mandate securement unless requested by a rider using a wheelchair.

___(insert name of transit agency)___ does not require that wheelchairs be secured on board the vehicle. However, the driver will secure a passenger's wheelchair if requested by the passenger.

OR:

___(insert name of transit agency)___ requires that all wheelchairs be secured. Drivers should not allow a passenger to ride if they are not secured properly unless the securement system will not accommodate the wheelchair. Drivers cannot deny a passenger a ride based on the inability to secure the wheelchair. However, drivers must warn the passengers of the danger of riding in a non-secured wheelchair. Passengers who refuse to allow their wheelchairs to be secured may be denied service.

Securement of wheelchairs is the responsibility of the driver. Drivers are trained in the proper operation of all securement equipment based on the equipment manufacturer's specifications. Drivers will listen to and respect riders' instructions on how to secure their equipment. Drivers cannot be expected to be familiar with each and every wheelchair type that may come aboard, and securement attachment points may differ by wheelchair manufacturer. The rider may be in the best position to instruct the driver on how to properly secure their mobility device.

If the securement system is not compatible with the wheelchair the passenger is using, the driver will still make an attempt to safely secure the wheelchair. If the wheelchair cannot be secured because of the wheelchair design, the passenger still has the right to ride in the vehicle. Seat belts will never be used instead of independent securement of the passenger's wheelchair.

Drivers must secure wheelchairs in the designated securement area only, even if the passenger wants the mobility device to be secured in a non-designated area. The wheelchair is not allowed to block the aisle.

Note: select one depending on your agency policy. Make sure you treat all riders with and without disabilities the same. Seat belts and shoulder harnesses are recommended but not required for passengers riding in their secured wheelchair. **OR:** Seat belts and shoulder harnesses are required for ALL passengers. Seat belts will never be used instead of independent securement of the passenger's wheelchair.

In cases where an individual using a wheelchair attempts to board and requires use of a securement location that is currently occupied by another passenger that is not using a wheelchair, the driver will ask that passenger to allow the individual using a wheelchair to use the securement position.

Driver Assistance: Drivers will make themselves available to assist individuals with disabilities and will assist upon request of the passenger. Drivers will assist a passenger with using the vehicle ramp, lift and/or securement systems using the accessibility-related equipment and features on their vehicles.

Use of Lift or Ramp by Individuals with Disabilities Not Using a Mobility Device: The driver will deploy the lift or ramp for an individual with a disability who is not using a mobility device to board or alight the vehicle upon request.

Accommodation of Other Mobility Devices: Mobility devices that are not wheelchairs, but which are primarily designed to for use by individuals with mobility impairments, will be accommodated to the extent that the ADA-compliant lift or ramp and securement areas can safely do so. However, these devices are the responsibility of the individual passenger, and must be secured in a manner that does not interfere with the safe operation of the vehicles and the transport of other passengers.

Transfer to Fixed Seating: All passengers using wheelchairs have an option of transferring to fixed seating once on board the vehicles. Drivers may recommend, but never require, wheelchair users to transfer to fixed seating. No waivers are allowed to be required.

Accommodation of Portable Oxygen: Individuals are allowed to travel with respirators and portable oxygen supplies on board, consistent with applicable U.S. Department of Transportation rules on the transportation of hazardous materials in 49 CFR Subtitle B, Chapter 1, Subchapter C.

Note: U.S. DOT requirements related to transportation of hazardous materials not part of the U.S. DOT ADA requirements and thus are not spelled out in this ADA policy template.

Priority Seating: With the exception of the wheelchair securement stations, the transit system does not require any passenger to sit in designated seating.

Priority seating for seniors and individuals with disabilities is to be designated by permanent signage in each vehicle. In cases where an individual with a disability requests use of priority seating that is currently occupied by another passenger, the driver will ask that passenger to move so as to allow the individual with a disability use of the priority seating. In cases where a wheelchair user requires the use of a securement location, the driver will ask any passenger (including other passengers with disabilities) to vacate the securement location.

Service Animals: In compliance with [49 CFR Part 37](#), the transit system allows trained service animals to accompany passengers with disabilities. The driver will not ask for proof of the qualifications of the animal but may ask what tasks the animal has been trained to perform. However, any animal which is not under the passenger's control or which becomes a direct threat to the health or safety of other passengers may be restricted from riding.

Alighting: It is the responsibility of the driver to determine that the location for passenger alighting is safe. However, the driver will allow a passenger who uses the lift or ramp to alight at any location, unless the lift or ramp cannot be deployed, the lift or ramp will be damaged if deployed, or conditions at the stop would present unsafe conditions for all passengers. Only the driver will unsecure the wheelchair and operate the lift to return the passenger to the ground level.

Staff Training: All drivers and transit system staff are trained to proficiency in use of accessibility equipment, the operating policies related to each of the service requirements described, and in properly and respectfully assisting and treating individuals with disabilities with sensitivity. Mechanics are also trained to properly maintain lifts, ramps, securement systems, and other accessibility equipment.

Rider Information: All printed informational materials are made available in accessible formats upon request, for example, large print for individuals with low vision or audio for blind individuals, as well as accessible electronic formats.

Complaint Procedure: All complaints of discrimination on the basis of disability will be forwarded to the ___(insert title of employee responsible for responsible for coordinating the transit agency's compliance with 49 CFR Part 37) ___ and promptly and objectively investigated. ___(insert name of transit agency)___ will promptly communicate its response to the complaint allegations, including its reasons for the response, to the complainant. The response will be documented. Corrective or disciplinary action will be taken for behavior prohibited by this policy, up to and including termination of employment. *Note: attach the instructions that the transit agency provides to the public, as well as the complaint form.* Documentation of each complaint will be kept on file for ___(insert local recordkeeping policy)___. *Note: the DOT regulations require FTA grantees to maintain all complaints of noncompliance with 49 CFR Part 27 for one year, and a record of all such complaints, which may be in summary form, for five years.*

Reasonable Modification of Policy: If a passenger with a disability requires modification of any of ___(insert name of transit agency)___'s policies and practices to accommodate their disability to use the service, the passenger may request such a modification by contacting ___(insert name or office to

which requests for modification of policy should be directed)____. The transit system will work with the individual to find an acceptable accommodation solution.

Where a request for modification cannot practicably be made and determined in advance operating personnel will make a determination of whether the modification should be provided at the time of the request. Operating personnel may consult with____(insert name of transit agency)___ management before making a determination to grant or deny the request.

Requests for modification of policies and practices may be denied only on one or more of the following grounds:

- Granting the request would fundamentally alter the nature of ____ (insert name of transit agency)___'s services, programs, or activities;
- Granting the request would create a direct threat to the health or safety of others;
- Without the requested modification, the individual with a disability is able to fully use ____ (insert name of transit agency)___'s services, programs, or activities for their intended purpose.

If ____ (insert name of transit agency)___ denies a request for a reasonable modification, the transit agency shall take, to the maximum extent possible, other actions (that would not result in a direct threat or fundamental alteration of service) to ensure that the individual with a disability receives the services or benefit provided by ____ (insert name of transit agency)___.

Guidelines for Implementing Policy Specific to Demand Response Services

Service in the Most Integrated Setting: ____ (insert name of transit agency)___ demand response transportation service is a shared-ride service. It is the policy of ____ (insert name of transit agency)___ to provide service for individuals with disabilities in the most integrated setting appropriate to the needs of the individual, including providing service to individuals with disabilities on the same vehicles and together with all other riders.

Service Characteristics:

Note: Select one of the next two scenarios depending on whether or not your agency's demand response vehicle fleet is 100% accessible.

All demand response vehicles operated by ____ (insert name of transit agency)___ are accessible and persons with disabilities, including wheelchair users, can board any vehicle and receive service with the same characteristics as riders without disabilities.

OR:

The ____ (insert name of transit agency)___ shall ensure that individuals with disabilities receive the same level of service as individuals without disabilities. The demand response system of ____ (insert name of transit agency)___, when viewed in its entirety, provides an equivalent service to individuals with disabilities, including individuals who use wheelchairs, with respect to the following service characteristics:

Sample ADA Policies for Rural Public Transit Systems Demand Response Service Sample Policy

- **Response time:** individuals with disabilities are not required to reserve services further in advance than other individuals.
- **Fares:** individuals with disabilities are not charged higher fares than other individuals.
- **Geographic area of service:** individuals with disabilities can use the service to travel to and from the same areas as other individuals.
- **Hours and days of service:** individuals with disabilities can use the service during the same days and hours as other individuals.
- **Restrictions or priorities based on trip purpose:** travel by individuals with disabilities is not restricted by trip purpose any more than travel by other individuals.
- **Availability of information and reservations capability:** individuals with disabilities have access to the same information and reservations capability as other individuals.
- **Any constraints on capacity or service availability:** travel by individuals with disabilities is not limited by capacity any more than travel by other individuals.

Passenger Assistance: Demand response services will be provided on a curb-to-curb *or door-to-door* basis. ___(insert name of transit agency)___ drivers will assist riders with disabilities in boarding and alighting from vehicles and in securing wheelchairs. All drivers who operate ___(insert name of transit agency)___ services will be proficiently trained in passenger assistance and sensitivity towards persons with disabilities.

The staff of the ___(insert name of transit agency)___ will not lift a passenger, leave a vehicle unattended or out of visual observation for a lengthy period of time, enter a rider's home, care for service animals, operate a power wheelchair, provide personal care attendant (PCA) service, or take actions that would be clearly unsafe. *If your agency has a policy on assisting passengers (including those using manual wheelchairs) up and down steps and curbs, insert here.* If more extensive assistance is needed by the individual than the ___(insert name of transit agency)___ can provide as provider of public transportation, the individual will be responsible for arranging for personal assistance. Staff of ___(insert name of transit agency)___ will work with the individual and/or their caregiver/social worker to clarify parameters of the assistance that can be provided by the driver and formally document this in a letter sent to the individual.

Route Deviation Service Sample Policy

The purpose of this document is to provide rural public transit agencies with a sample of a written ADA policy for demand response services. This sample policy is for transit agencies that deviate for all members of the public. If the route deviations are offered to all members of the public, the service is considered as “demand response” and the system is not required to provide ADA complementary paratransit. If the transit system provides commingled (combined) service (in which fixed route bus and ADA complementary paratransit service are provided using the same vehicle through route deviation), reference the Commingled Fixed Route and Paratransit Service Sample Policy Service Sample Policy.

Instructions:

The transit agency is advised to carefully read all elements of this policy template and edit to reflect its local policies and practices. The items in **red** should be customized for the transit agency and its own local policies.

The items in *blue* are additional notes and instructions related to customizing the template. Please make sure to delete these comments in the final policy document.

____(insert name of transit agency)____

Americans with Disabilities Act of 1990 (ADA) Policy and Procedures

Date: _____

Introduction and Purpose: This ADA policy is written to establish operating and service guidelines and procedures for the implementation of the requirements of the American with Disabilities Act of 1990 (ADA), the U.S. Department of Transportation regulations for implementing ADA (49 CFR Parts 27, 37 and 38), **and applicable state laws and regulations.** *Note: This policy template reflects federal requirements. The transit agency will need to research if there are any state-specific disability nondiscrimination requirements that apply to them. If there are no relevant state-specific requirements, the transit agency may want to delete “and applicable state laws and regulations” in their policy. If there are state-specific requirements, they will need to be addressed in the transit agency’s policy.* ____ (insert name of transit agency)____ operates services on a deviated fixed route basis. ____ (insert name of transit agency)____ complies with ADA requirements with respect to such services.

Policy Statement: It is the policy of ____ (insert name of transit agency)____ to comply with all the legal requirements of federal and state laws and regulations as they pertain to individuals with disabilities. If state laws and federal regulations are contradictory, the federal ADA regulations prevail. The transit system provides quality transportation services to all persons, without discrimination to any persons including individuals with disabilities. Discrimination on the basis of disability against any person by transit system employees will not be condoned or tolerated.

Goals: Service is provided in a manner that meets these goals to:

Sample ADA Policies for Rural Public Transit Systems

Route Deviation Service Sample Policy

1. provide safe, accessible, and dignified services to all persons, including individuals with disabilities.
2. expedite the safe and efficient boarding, securing, transporting, and alighting of all passengers, regardless of mobility status.
3. accommodate the wide range of mobility aids within the confines of available vehicles and commercial standard equipment.

Applicability: This policy applies to all transit system employees, services, facilities and vehicles. It applies equally to all persons needing and/or using the services provided by the system.

Definitions:

Disability: With respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

Fixed Route Service: Operates along a prescribed route according to a fixed (regular) schedule.

Mobility Device: A device that is designed to assist an individual with disabilities with locomotion. Examples include wheelchairs, canes, crutches, and walkers. Also called mobility aid.

Route Deviation Service: A system that permits user-initiated deviations from routes or schedules. A transit service that operates along established routes that typically have designated stops. Between these stops, vehicles deviate (depart) from an established route to pick up or drop off riders within a defined off-route service area.

Securement Area or Station: A designated location for riders using wheelchairs, equipped with a securement system.

Securement Device, Equipment or System: Equipment used for securing wheelchairs against uncontrolled movement during transport.

Service Animal: Any guide dog, signal dog, or other animal that has been individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

Wheelchair: A mobility aid belonging to any class of three- or more- wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.

General Guidance and Procedures for Implementing the Policy

Recruitment and Employment: As stated in the transit system’s personnel policies, the agency is an Equal Opportunity Employer (EOE) and fully complies with ADA in its recruitment, hiring and continued employment practices.

Facility and Vehicle Accessibility: The transit system administrative facility, passenger facilities and vehicles shall meet or exceed the requirements of 49 CFR Parts 27, 37 and 38 and requirements of the **State of _____**. If state requirements do not meet federal requirements, the federal ADA regulations prevail. All vehicles acquired for fixed route and route deviation service will be accessible. Vehicles acquired for demand response service will only be non-accessible to the extent that the demand response system, when viewed in its entirety, has been demonstrated to provide the same level of service for individuals with disabilities as for individuals without disabilities. The transit system will conduct an analysis of service equivalency prior to the acquisition of any inaccessible vehicles for demand-responsive service.

Vehicle and Route Assignment: To the extent possible, the assignment of particular types of vehicles will be based upon rider needs. All vehicles assigned to deviated routes will be accessible.

In addition to route deviation service, **____(insert name of transit agency)____** also operates demand response service. Note: Select one of the next two scenarios depending on whether or not your agency’s demand response vehicle fleet is 100% accessible. If your transit system does NOT operate demand response service other than route deviation, delete the remainder of this section.

All demand response vehicles operated by **____(insert name of transit agency)____** are accessible and persons with disabilities, including wheelchair users, can board any vehicle. To the extent possible, the assignment of particular types of vehicles will be based upon rider needs.

OR:

The demand response system of **____(insert name of transit agency)____**, when viewed in its entirety, is accessible. All trips by wheelchair users will be assigned to accessible vehicles. To the extent possible, the assignment of particular types of vehicles will be based upon rider needs. Trip denials will be tracked by whether or not a rider requires use of the lift or ramp, to monitor that service is not disproportionately denied to individuals with disabilities because an accessible vehicle is not available. **____(insert name of transit agency) ____** provides demand response rural public transportation and provides equivalent service to individuals with disabilities, that is consistent with U.S. DOT ADA regulations under [49 CFR Part 37, Section 37.77](#). This transportation will be provided in the most integrated setting appropriate to the needs of the individual and will be equivalent to the service provided other individuals with respect to:

- Response time
- Fares
- Geographic area of service
- Hours and days of service
- Restrictions or priorities based on trip purpose
- Availability of information and reservations capability
- Any constraints on capacity or availability

Maintenance of Accessible Features: Accessibility features on vehicles, including lifts, wheelchair securement devices and public address systems, will be maintained in operative condition. The preventive maintenance program of the ___(insert name of transit agency)___ provides for regular and frequent maintenance checks of these features as well as preventive maintenance as recommended by the equipment manufacturers. In addition, the lift must be cycled as part of each pre-trip inspection. *Note: Lift cycling as part of the pre-trip inspection is not required by ADA but is recommended by some states as a way to comply with the federal ADA requirement that transit systems have regular and frequent lift checks, sufficient to determine if lifts are actually operative.*

Inoperative Lifts and Ramps: Drivers are required to report lift or ramp failures immediately. Vehicles with inoperative lifts will be removed from deviated fixed route service as soon as possible and promptly replaced with an accessible vehicle until the inoperative lift is repaired. For vehicles equipped with ramps, it may be possible to continue in service as long as the ramp can be and is deployed manually when necessary. If an inoperative ramp cannot be (or is not) deployed manually, the transit agency will apply the policy for a vehicle with an inoperative lift.

In the interim, ___(insert name of transit agency)___ will provide alternative transportation to passengers who require the use of the lift. This alternative transportation will be equivalent to the route deviation service provided to other individuals with respect to the equivalent service characteristics listed under Vehicle and Route Assignment.

Wheelchair Accommodation: All accessible vehicles meet or exceed the requirements of 49 CFR Part 38. Transportation providers are required to carry a wheelchair and its user, as long as the lift can accommodate the size and weight of the wheelchair and its user, and there is space in the securement area for the wheelchair on the vehicle without blocking the aisle. If a vehicle lift/ramp and securement area can accommodate a wheelchair (or other mobility device), ___(insert name of transit agency)___ will transport the device (and its user).

An individual who uses a wheelchair that, when occupied, exceeds the weight rating of the vehicle lift/ramp, will be offered the opportunity to board and disembark from the vehicle separately from the wheelchair. However, transit agency personnel are not (required **OR** permitted) to operate a passenger's wheelchair. *Note: Select appropriate word depending on your agency policy. It is not required under the ADA regulations, and for safety reasons your local policy may wish to prohibit personnel from operating a passenger's wheelchair.* The individual may travel with another individual who can assist with operating the unoccupied wheelchair to maneuver it on and off the lift/ramp.

Boarding: Drivers and scheduling practices will provide adequate time for a passenger with a disability to board and/or disembark the vehicle, which includes adjusting the schedule if necessary and waiting for passengers to be seated before moving the vehicle. It is the responsibility of the driver to determine the safest location for passenger boarding based on conditions and individual needs upon arrival at the pickup site. Only a properly trained transit system employee can operate the lift or ramp and secure the wheelchair in the securement station. Passengers may board facing toward or away from the vehicle.

Wheelchair Securement: Note: Select one of the next two paragraphs depending on your agency policy. U.S. DOT regulations do not mandate securement unless requested by a rider using a wheelchair.

___(insert name of transit agency)___ does not require that wheelchairs be secured on board the vehicle. However, the driver will secure a passenger’s wheelchair if requested by the passenger.

OR:

___(insert name of transit agency)___ requires that all wheelchairs be secured. Drivers should not allow a passenger to ride if they are not secured properly unless the securement system will not accommodate the wheelchair. Drivers cannot deny a passenger a ride based on the inability to secure the wheelchair. However, drivers must warn the passengers of the danger of riding in a non-secured wheelchair. Passengers who refuse to allow their wheelchairs to be secured may be denied service.

Securement of wheelchairs is the responsibility of the driver. Drivers are trained in the proper operation of all securement equipment based on the equipment manufacturer’s specifications. Drivers will listen to and respect riders’ instructions on how to secure their equipment. Drivers cannot be expected to be familiar with each and every wheelchair type that may come aboard, and securement attachment points may differ by wheelchair manufacturer. The rider may be in the best position to instruct the driver on how to properly secure their mobility device.

If the securement system is not compatible with the wheelchair the passenger is using, the driver will still make an attempt to safely secure the wheelchair. If the wheelchair cannot be secured because of the wheelchair design, the passenger still has the right to ride in the vehicle.

Drivers must secure wheelchairs in the designated securement area only, even if the passenger wants the mobility device to be secured in a non-designated area. The wheelchair is not allowed to block the aisle.

Note: select one depending on your agency policy. Make sure you treat all riders with and without disabilities the same. Seat belts and shoulder harnesses are recommended but not required for passengers riding in their secured wheelchair. **OR:** Seat belts and shoulder harnesses are required for ALL passengers. Seat belts will never be used instead of independent securement of the passenger’s wheelchair.

In cases where an individual using a wheelchair attempts to board and requires use of a securement location that is currently occupied by another passenger that is not using a wheelchair, the driver will ask that passenger to allow the individual using a wheelchair to use the securement position.

Driver Assistance: Drivers will make themselves available to assist individuals with disabilities and will assist upon request of the passenger. Drivers will assist a passenger with using the vehicle ramp, lift and/or securement systems using the accessibility-related equipment and features on their vehicles.

Use of Lift or Ramp by Individuals with Disabilities Not Using a Mobility Device: An individual with a disability who is not using a mobility device may use the lift or ramp to board or alight the vehicle upon request.

Accommodation of Other Mobility Devices: Mobility devices that are not wheelchairs, but which are primarily designed to for use by individuals with mobility impairments, will be accommodated to the extent that the ADA-compliant lift or ramp and securement areas can safely do so. However, these devices are the responsibility of the individual passenger, and must be secured in a manner that does not interfere with the safe operation of the vehicles and the transport of other passengers.

Transfer to Fixed Seating: All passengers using wheelchairs have an option of transferring to fixed seating once on board the vehicles. Drivers may recommend, but never require, wheelchair users to transfer to fixed seating. No waivers are allowed to be required.

Accommodation of Portable Oxygen: Individuals are allowed to travel with respirators and portable oxygen supplies on board, consistent with applicable U.S. Department of Transportation rules on the transportation of hazardous materials in 49 CFR Subtitle B, Chapter 1, Subchapter C. *Note: U.S. DOT requirements related to transportation of hazardous materials not part of the U.S. DOT ADA requirements and thus are not spelled out in this ADA policy template.*

Priority Seating: With the exception of the wheelchair securement stations, the transit system does not require any passenger to sit in designated seating.

Priority seating for seniors and individuals with disabilities is to be designated by permanent signage in each vehicle. In cases where an individual with a disability requests use of priority seating that is currently occupied by another passenger, the driver will ask that passenger to move so as to allow the individual with a disability use of the priority seating. In cases where a wheelchair user requires the use of a securement location, the driver will ask any passenger (including other passengers with disabilities) to vacate the securement location.

Service Animals: In compliance with [49 CFR Part 37](#), the transit system allows trained service animals to accompany passengers with disabilities. The driver will not ask for proof of the qualifications of the animal, but may ask what tasks the animal has been trained to perform. However, any animal which is not under the passenger's control or which becomes a direct threat to the health or safety of other passengers may be restricted from riding.

Alighting: It is the responsibility of the driver to determine that the location for passenger alighting is safe. However, the driver will allow a passenger who uses the lift to alight at any location, unless the lift cannot be deployed, the lift will be damaged if deployed, or conditions at the stop would present unsafe conditions for all passengers. Only the driver will unsecure the wheelchair and operate the lift to return the passenger to the ground level.

Staff Training: All drivers and transit system staff are trained to proficiency in use of accessibility equipment, the operating policies related to each of the service requirements described, and in properly and respectfully assisting and treating individuals with disabilities with sensitivity. Mechanics are also trained to properly maintain lifts, ramps, securement systems, and other accessibility equipment.

Rider Information: All printed informational materials are made available in accessible formats upon request, for example, large print for individuals with low vision or audio for blind individuals, as well as accessible electronic formats.

Complaint Procedure: All complaints of discrimination on the basis of disability will be forwarded to the ___(insert title of employee responsible for responsible for coordinating the transit agency’s compliance with 49 CFR Part 37)___ and promptly and objectively investigated. ___(insert name of transit agency)___ will promptly communicate its response to the complaint allegations, including its reasons for the response, to the complainant. The response will be documented. Corrective or disciplinary action will be taken for behavior prohibited by this policy, up to and including termination of employment. *Note: attach the instructions that the transit agency provides to the public, as well as the complaint form.* Documentation of each complaint will be kept on file for ___(insert local recordkeeping policy)____. *Note: the DOT regulations require FTA grantees to maintain all complaints of noncompliance with 49 CFR Part 27 for one year, and a record of all such complaints, which may be in summary form, for five years.*

Reasonable Modification of Policy: If a passenger with a disability requires modification of any of ___(insert name of transit agency)___’s policies and practices to accommodate their disability to use the service, the passenger may request such a modification by contacting ___(insert name or office to which requests for modification of policy should be directed)____. The transit system will work with the individual to find an acceptable accommodation solution.

Where a request for modification cannot practicably be made and determined in advance operating personnel will make a determination of whether the modification should be provided at the time of the request. Operating personnel may consult with ___(insert name of transit agency)___ management before making a determination to grant or deny the request.

Requests for modification of policies and practices may be denied only on one or more of the following grounds:

- Granting the request would fundamentally alter the nature of ___(insert name of transit agency)___’s services, programs, or activities;
- Granting the request would create a direct threat to the health or safety of others;
- Without the requested modification, the individual with a disability is able to fully use ___(insert name of transit agency)___’s services, programs, or activities for their intended purpose.

If ___(insert name of transit agency)___ denies a request for a reasonable modification, the transit agency shall take, to the maximum extent possible, other actions (that would not result in a direct threat or fundamental alteration of service) to ensure that the individual with a disability receives the services or benefit provided by ___(insert name of transit agency)____.

Guidelines and Procedures for Implementing Policy Specific to Route Deviation Services

Deviation Parameters: Upon request by any rider, ___(insert name of transit agency)___ will deviate up to ___-mile(s) from any established route. *Note: if the general public can request a deviation, there is no minimum deviation distance.*

Deviation Request Procedures: Riders may request a route deviation by calling ___(insert name of transit agency)___ at least ___ hours before the desired trip. The rider will be assigned a pick-up time. Riders will be required to travel to the curb outside of their trip origin in time for their scheduled

Sample ADA Policies for Rural Public Transit Systems

Route Deviation Service Sample Policy

pick-up. Vehicles operating on route deviation service will be unable to wait for a passenger who is not at the designated stop on time. *Note: if the system deviates only for individuals with disabilities, you may need to provide some origin-to-destination (door-to-door) services based on individual passenger needs.*

Passenger Assistance: Route deviation services will be provided on a curb-to-curb basis. ___(insert name of transit agency)___ drivers will assist riders with disabilities in boarding and disembarking from vehicles and in securing wheelchairs. All drivers who operate ___(insert name of transit agency)___ services will be proficiently trained in passenger assistance and sensitivity towards persons with disabilities.

The staff of the ___(insert name of transit agency)___ will not lift a passenger, leave a vehicle unattended or out of visual observation for a lengthy period of time, enter a rider's home, care for service animals, operate a power wheelchair, provide personal care attendant (PCA) service, or take actions that would be clearly unsafe. If more extensive assistance is needed by the individual than ___(insert name of transit agency)___ can provide as a provider of public transportation, the individual will be responsible for arranging for personal assistance. Staff of ___(insert name of transit agency)___ will work with the individual and/or their caregiver/social worker to clarify parameters of the assistance that can be provided by the driver and formally document this in a letter sent to the individual.

Fixed Stop Procedures: Riders can also access route deviation service without advanced request by boarding or alighting at one of the designated fixed stops.

Fares: The one-way fare for riding the route deviation service without requesting a deviation is \$____. The additional one-way fare per deviation is \$____. If a deviation is requested for both boarding and alighting, this is considered two deviations.

Commingled Fixed Route and Paratransit Service Sample Policy – For Fixed Route Bus Service that Deviates to Provide ADA Complementary Paratransit

The purpose of this document is to provide rural public transit agencies with a sample of a written ADA policy for commingled fixed route bus and ADA complementary paratransit service. This template is only appropriate for transit systems that provide fixed route service and ADA complementary paratransit using the same vehicle. Under this scenario, the transit agency provides fixed route service, but deviates from the fixed route for ADA complementary paratransit-eligible persons with disabilities. For this type of commingled service, the transit agency must meet all of the ADA complementary paratransit requirements under [49 CFR Part 37 Subpart F](#). Transit systems that provide fixed route service with separate ADA complementary paratransit, route deviation for all passengers, and/or general demand responsive services (in addition to, or instead of, fixed route services) should refer to the sample ADA policy template for these types of services.

Instructions:

The transit agency is advised to carefully read all elements of this policy template and edit to reflect its local policies and practices. The items in **red** should be customized for the transit agency and its own local policies.

The items in *blue* are additional notes and instructions related to customizing the template. Please make sure to delete these comments in the final policy document.

____(insert name of transit agency)____

Americans with Disabilities Act of 1990 (ADA) Policy and Procedures

Date: _____

Introduction and Purpose

This ADA policy is written to establish operating and service guidelines and procedures for the implementation of the requirements of the Americans with Disabilities Act of 1990 (ADA), the U.S. Department of Transportation (U.S. DOT) regulations for implementing ADA (49 CFR Parts 27, 37 and 38), **and applicable state laws and regulations**. *Note: This policy template reflects federal requirements. The transit agency will need to research if there are any state-specific disability nondiscrimination requirements that apply to them. If there are no relevant state-specific requirements, the transit agency may want to delete “and applicable state laws and regulations” in their policy. If there are state-specific requirements, they will need to be addressed in the transit agency’s policy.* ____ (insert name of transit agency) ____ operates services on a fixed route basis,

commingled on the same vehicle as ADA complementary paratransit. ____ (insert name of transit agency) ____ complies with ADA requirements with respect to such services.

Policy Statement

It is the policy of ____ (insert name of transit agency) ____ to comply with all the legal requirements of federal and state laws and regulations as they pertain to individuals with disabilities. If state laws and federal regulations are contradictory, the federal ADA regulations prevail. The transit system provides quality transportation services without discrimination to all persons including individuals with disabilities. Discrimination on the basis of disability against any person by transit system employees will not be condoned or tolerated.

Goals: Service is provided in a manner that meets these goals to:

1. Provide safe, accessible, and dignified services to all persons, including individuals with disabilities
2. Ensure that eligible individuals who are unable to board, ride or disembark from the fixed route service are provided complementary paratransit with comparable service availability and quality to the fixed route service
3. Expedite the safe and efficient boarding, securing, transporting, and alighting of all passengers, regardless of mobility status
4. Accommodate the wide range of mobility aids within the confines of available vehicles and commercial standard equipment

Applicability: This policy applies to all transit system employees, services, facilities and vehicles. It applies equally to all persons needing and/or using the services provided by the system.

Definitions:

Commingled Service: Provides fixed route bus service and ADA complementary paratransit service using the same vehicle through route deviations.

Commuter Bus: Fixed route bus service, characterized by service predominantly in one direction during peak periods, limited stops, use of multi-ride tickets, and routes of extended length, usually between the central business district and outlying suburbs. Commuter bus service may also include other service, characterized by a limited route structure, limited stops, and a coordinated relationship to another mode of transportation.

Disability: With respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

Fixed Route Service: Operates along a prescribed route according to a fixed (regular) schedule.

Sample ADA Policies for Rural Public Transit Systems Commingled Fixed Route and Paratransit Service Sample Policy

Mobility Device: A device that is designed to assist an individual with disabilities with locomotion. Examples include wheelchairs, canes, crutches, and walkers. Also called mobility aid.

Route Deviation Service: A system that permits user-initiated deviations from routes or schedules.

Securement Area or Station: A designated location for riders using wheelchairs, equipped with a securement system.

Securement Device, Equipment or System: Equipment used for securing wheelchairs against uncontrolled movement during transport.

Service Animal: Any guide dog, signal dog, or other animal that has been individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

Wheelchair: A mobility aid belonging to any class of three- or more- wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.

General Guidance and Procedures for Implementing Policy

Recruitment and Employment: As stated in the transit system’s personnel policies, the agency is an Equal Opportunity Employer and fully complies with ADA in its recruitment, hiring and continued employment practices.

Facility and Vehicle Accessibility: The transit system administrative facility, passenger facilities and vehicles shall meet or exceed the requirements of 49 CFR Parts 27, 37 and 38 and requirements of the **State of _____**. If state requirements do not meet federal requirements, the federal ADA regulations prevail. All vehicles purchased for fixed route and route deviation service will be accessible. Vehicles purchased for demand response service will only be non-accessible to the extent that the demand response system, when viewed in its entirety, provides the same level of service for individuals with disabilities as for individuals without disabilities. The transit system will conduct an analysis of service equivalency prior to the acquisition of any inaccessible vehicles for demand-responsive service.

Vehicle and Route Assignment: All vehicles assigned to fixed routes and deviated routes will be accessible.

Maintenance of Accessible Features: Accessibility features on vehicles, including lifts, ramps, wheelchair securement devices and public address systems, will be maintained in operative condition. The preventive maintenance program of **____(insert name of transit agency)____** provides for regular and frequent maintenance checks of these features as well as preventive maintenance as recommended by the equipment manufacturers. In addition, the lift must be cycled as part of each pre-trip inspection. *Note: lift cycling as part of the pre-trip inspection is not required by ADA but is recommended*

Sample ADA Policies for Rural Public Transit Systems Commingled Fixed Route and Paratransit Service Sample Policy

by some states as a way to comply with the federal ADA requirement that transit systems conduct regular and frequent lift checks, sufficient to determine if lifts are actually operative.

Drivers are required to report lift or ramp failures immediately. Vehicles with inoperative lifts or ramps will be removed from service and replaced with an accessible vehicle until the inoperative lift or ramp is repaired. Additional fixed route policies related to inoperative lifts or ramps are discussed under “Policies Specific to Fixed Route Service.”

Wheelchair Accommodation: All accessible vehicles meet or exceed the requirements of [49 CFR Part 38](#). Transportation providers are required to carry a wheelchair and its user, as long as the lift can accommodate the size and weight of the wheelchair and its user, and there is space in the securement area for the wheelchair on the vehicle without blocking the aisle. If a vehicle lift/ramp and securement area can accommodate a wheelchair (or other mobility device), ___(insert name of transit agency)___ will transport the device (and its user).

An individual who uses a wheelchair that, when occupied, exceeds the weight rating of the vehicle lift/ramp, will be offered the opportunity to board and disembark from the vehicle separately from the wheelchair. However, transit agency personnel are not (required OR permitted) to operate a passenger’s wheelchair. *Note: Select appropriate word depending on your agency policy. It is not required under the ADA regulations, and for safety reasons your local policy may wish to prohibit personnel from operating a passenger’s wheelchair.* The individual may travel with another individual who can assist with operating the unoccupied wheelchair to maneuver it on and off the lift/ramp.

Boarding: Drivers and scheduling practices will provide adequate time for a passenger with a disability to board and/or disembark the vehicle, which includes adjusting the schedule if necessary and waiting for passengers to be seated before moving the vehicle. Only a properly trained transit system employee can operate the lift or ramp and secure the wheelchair in the securement station. Passengers may board facing toward or away from the vehicle.

Priority Seating: With the exception of the wheelchair securement stations, the transit system does not require any passenger to sit in designated seating.

Priority seating for seniors and individuals with disabilities is to be designated by permanent signage in each vehicle. In cases where an individual with a disability requests use of priority seating that is currently occupied by another passenger, the driver will ask that passenger to move so as to allow the individual with a disability use of the priority seating. In cases where a wheelchair user requires the use of a securement location, the driver will ask any passenger (including other passengers with disabilities) to vacate the securement location.

Driver Assistance: Drivers will make themselves available for assistance to individuals with disabilities and will assist upon request of the passenger. Drivers will leave their seat to assist a passenger with using the vehicle ramp, lift and/or securement system. Drivers will use the accessibility-related equipment and features on their vehicles as described in these policies.

Wheelchair Securement: Note: Select one of the next two paragraphs depending on your agency policy. U.S. DOT regulations do not mandate securement unless requested by a rider using a wheelchair.

___(insert name of transit agency)___ does not require that wheelchairs be secured on board the vehicle. However, the driver will secure a passenger's wheelchair if requested by the passenger.

OR:

___(insert name of transit agency)___ requires that all wheelchairs be secured. Drivers should not allow a passenger to ride if they are not secured properly unless the securement system will not accommodate the wheelchair. Drivers cannot deny a passenger a ride based on the inability to secure the wheelchair. However, drivers must warn the passengers of the danger of riding in a non-secured wheelchair. Passengers who refuse to allow their wheelchairs to be secured may be denied service.

Securement of wheelchairs is the responsibility of the driver. Drivers are trained in the proper operation of all securement equipment based on the equipment manufacturer's specifications. Drivers will listen to and respect riders' instructions on how to secure their equipment. Drivers cannot be expected to be familiar with each and every wheelchair type that may come aboard, and securement attachment points may differ by wheelchair manufacturer. The rider may be in the best position to instruct the driver on how to properly secure their mobility device.

If the securement system is not compatible with the wheelchair the passenger is using, the driver will still make an attempt to safely secure the wheelchair. If the wheelchair cannot be secured because of the wheelchair design, the passenger still has the right to ride in the vehicle.

Drivers must secure wheelchairs in the designated securement area only, even if the passenger wants their mobility device to be secured in a non-designated area. The wheelchair is not allowed to block the aisle.

Note: Select one depending on your agency policy. Make sure you treat all riders with and without disabilities the same. Seat belts and shoulder harnesses are recommended but not required for passengers riding in their secured wheelchair. **OR:** Seat belts and shoulder harnesses are required for ALL passengers. Seat belts will never be used instead of independent securement of the passenger's wheelchair.

In cases where an individual using a wheelchair attempts to board and requires use of a securement location that is currently occupied by another passenger that is not using a wheelchair, the driver will ask that passenger to allow the individual using a wheelchair to use the securement position.

Use of Lift or Ramp by Individuals with Disabilities Not Using a Mobility Device: The driver will deploy the lift or ramp for an individual with a disability who is not using a mobility device to board or alight the vehicle upon request.

Accommodation of Other Mobility Devices: Mobility devices that are not wheelchairs, but which are primarily designed to for use by individuals with mobility impairments, will be accommodated to the extent that the ADA-compliant lift or ramp and securement areas can safely do so. However, these devices are the responsibility of the individual passenger, and must be secured in a manner that does not interfere with the safe operation of the vehicles and the transport of other passengers.

Transfer to Fixed Seating: All passengers using wheelchairs have an option of transferring to fixed seating once on board the vehicles. Drivers may recommend, but never require, wheelchair users to transfer to fixed seating. No waivers are allowed to be required.

Accommodation of Portable Oxygen: Individuals are allowed to travel with respirators and portable oxygen supplies on board, consistent with applicable U.S. DOT rules on the transportation of hazardous materials in 49 CFR Subtitle B, Chapter 1, Subchapter C. *Note: U.S. DOT requirements related to transportation of hazardous materials not part of the U.S. DOT ADA requirements and thus are not spelled out in this ADA policy template.*

Service Animals: In compliance with [49 CFR Part 37](#), the transit system allows trained service animals to accompany passengers with disabilities. The driver will not ask for proof of the qualifications of the animal, but may ask what tasks the animal has been trained to perform. However, any animal which is not under the passenger's control or which becomes a direct threat to the health or safety of other passengers may be restricted from riding.

Alighting: It is the responsibility of the driver to determine that the location for passenger alighting is safe. For fixed route, the driver will allow a passenger who uses the lift or ramp to alight at any stop, unless the lift or ramp cannot be deployed, will be damaged if deployed, or conditions at the stop would present unsafe conditions for all passengers. Only the driver will unsecure the wheelchair and operate the lift or ramp to return the passenger to the ground level.

Staff Training: All drivers and transit system staff are trained to proficiency in use of accessibility equipment, the operating policies related to each of the service requirements described, and in properly and respectfully assisting and treating individuals with disabilities with sensitivity. Mechanics are also trained to properly maintain lifts and other accessibility equipment.

Rider Information: All printed informational materials are made available in accessible formats upon request, for example, large print for individuals with low vision or audio for blind individuals, as well as accessible electronic formats.

Complaint Procedure: All complaints of discrimination on the basis of disability will be promptly and objectively investigated and forwarded to the __(insert title of employee responsible for responsible for coordinating the transit agency's compliance with 49 CFR Part 37)___ and promptly and objectively investigated. __(insert name of transit agency)___ will promptly communicate its response to the complaint allegations, including its reasons for the response, to the complainant. The response will be documented. Corrective or disciplinary action will be taken for behavior prohibited by this policy, up to and including termination of employment. *Note: attach the instructions that the transit agency provides to the public, as well as the complaint form if one has been established.* Documentation of each complaint will be kept on file for __(insert local recordkeeping policy)___. *Note: the DOT regulations require FTA grantees to maintain all complaints of noncompliance with 49 CFR Part 27 for one year, and a record of all such complaints, which may be in summary form, for five years.*

Reasonable Modification of Policy: If a passenger with a disability requires modification of any of __(insert name of transit agency)___'s policies and practices to accommodate their disability to use

the service, the passenger may request such a modification by contacting ___(insert name or office to which requests for modification of policy should be directed)____. The transit system will work with the individual to find an acceptable accommodation solution.

Where a request for modification cannot practicably be made and determined in advance operating personnel will make a determination of whether the modification should be provided at the time of the request. Operating personnel may consult with ___(insert name of transit agency)__ management before making a determination to grant or deny the request.

Requests for modification of policies and practices may be denied only on one or more of the following grounds:

- Granting the request would fundamentally alter the nature of ___(insert name of transit agency)___'s services, programs, or activities;
- Granting the request would create a direct threat to the health or safety of others;
- Without the requested modification, the individual with a disability is able to fully use ___(insert name of transit agency)___'s services, programs, or activities for their intended purpose.

In any case in which ___(insert name of transit agency)___ denies a request for a reasonable modification, the agency shall take, to the maximum extent possible, other actions (that would not result in a direct threat or fundamental alteration of service) to ensure that the individual with a disability receives the services or benefit provided by ___(insert name of transit agency)___.

Guidelines and Procedures for Implementing Policy Specific to Fixed Route Services

Schedules that Allow for Route Deviation to Provide ADA Complementary Paratransit:

Because ___(insert name of transit agency)___ provides ADA Complementary paratransit by deviating from the fixed route, it is essential that fixed route schedules allow adequate time to accommodate all eligible ADA complementary paratransit trips. When developing and changing schedules for each fixed route, the transit agency will ensure that enough time is built into the schedule to provide ADA complementary paratransit service and allow the route to operate on time. This includes building in time to provide origin-to-destination service (with door-to-door passenger assistance when necessary) within $\frac{3}{4}$ of a mile of the fixed route.

Inoperative Lifts and Ramps: Vehicles with inoperative lifts must be taken out of fixed route service as soon as possible (no later than the beginning of the vehicle's next service day) and inoperative equipment will be replaced promptly with an accessible spare vehicle. The inoperative lift will be repaired before the vehicle returns to service. For vehicles equipped with ramps, it may be possible to continue in service as long as the ramp can be and is deployed manually when necessary. If an inoperative ramp cannot be (or is not) deployed manually, the transit agency will apply the policy for a vehicle with an inoperative lift.

If there is no accessible spare vehicle available to take the place of a vehicle with an inoperable lift/ramp on a route, the vehicle with the inoperable lift/ramp may be kept in service for no more than *three days maximum if the entity serves an area of over 50,000 population – OR five days if the entity serves an area of 50,000 or less population*. In such cases alternative transportation will be provided to

individuals with disabilities who are unable to use the vehicle because its lift/ramp does not work. *Note: Alternative transportation is only required if the headway to the next accessible vehicle on the route exceeds 30 minutes, but few rural and small urban systems operate on such frequent headways.*

Route Identification to Passengers Waiting at Shared Stops: Where vehicles for more than one route serve the same stop, each driver will stop and announce their route to passengers waiting at the stop. These stops have been listed for each route and the lists are provided to drivers during training. *Note: The agency may wish to attach the lists of these stops to the policy. Note: as a supplemental approach, if preferred by the customers in your community, the agency may provide customers with route hailing kits (containing numbered cards, for example) to allow passengers to inform drivers of the route they want to use or to be identified by the driver as a potential customer seeking a ride on a particular route.*

Route Orientation Announcements: Fixed route drivers will announce the following stops to passengers on board the vehicle (using the vehicle's public address system on larger vehicles if such is available): 1) transfer points with other routes, 2) major intersections or destination points, 3) sufficient intervals along a route to orient passengers with visual disabilities to their location, and 4) any stop requested by a passenger with a disability. Stops that fall into the first three categories are listed for each route and provided to drivers during training. *Note: The agency may wish to attach the lists of these stops to the policy.*

Bus Stop Accessibility: When establishing new bus stops, it is the policy of ___(insert name of transit agency)___ to select locations that are accessible to riders using mobility devices, to the extent feasible. When installing improvements at existing bus stops, the improvements will be made accessible in accordance with US DOT ADA standards for transportation buildings and facilities. In the event that a particular stop is not accessible, the transit system will provide complementary paratransit to any individual who is unable to use the fixed route system because that stop is inaccessible. If an individual with a disability requests that an existing stop be made accessible, ___(insert name of transit agency)___ will work with the jurisdiction that is responsible for the street and sidewalk (if applicable) to include accessibility improvements to the stop within the jurisdiction's ADA transition plan for sidewalks.

ADA Complementary Paratransit: Individuals who are unable to use the fixed route service because of a disability will be provided with complementary paratransit service that is comparable to the fixed route service in service availability and quality. The policies for ADA Complementary Paratransit are provided in the next section. *Note: ADA Complementary Paratransit is not required for commuter bus service.*

Guidelines and Procedures for Implementing Policy Specific to ADA Complementary Paratransit Services

Introduction: ___(insert name of transit agency)___ provides ADA complementary paratransit services for individuals whose disabilities prevent them from independently using the fixed route system. This is demand response service that is equivalent to the fixed route service in terms of service characteristics as described under [49 CFR Part 37, Subpart F](#).

Eligibility Determination Process: To be eligible to use the ADA complementary paratransit service, applicants must complete an ADA complementary paratransit eligibility determination

process. Eligible individuals will receive documentation of ADA complementary paratransit eligibility, which can be used in other areas.

Eligibility Criteria: The certification process strictly limits ADA complementary paratransit eligibility to the regulatory definition of eligibility. Only those persons who meet the regulatory definition will be given documentation indicating that they are “ADA Paratransit Eligible.” A person will be considered eligible for ADA complementary paratransit if:

- The individual is unable, as the result of a physical or mental impairment (including a vision impairment), and without assistance of another individual (except the operator of a wheelchair lift/ramp or other boarding assistance device), to board, ride, or disembark from any vehicle on the system which is readily accessible to and usable by individuals with disabilities.
- The individual with a disability is capable of using the system with the assistance of a wheelchair lift/ramp but the route they want to use is not sufficiently ADA accessible for the individual to use it.
- The individual with a disability has a specific impairment-related condition, which prevents such individual from traveling to a fixed route boarding location or from a disembarking location.

Temporary eligibility for ADA complementary paratransit service will be allowed for those with a disability that is only temporary in nature. Temporary eligibility is established during the certification process.

Note: If your system uses Conditional Eligibility, include the following paragraph. In addition, if individuals who are determined to be ADA complementary paratransit eligible can use fixed route service under certain conditions (for example, trips for which they have been trained to navigate or under variable conditions that affect an individual’s disability), the eligibility will be considered “Conditional” and documentation which they are given will indicate the limitations/condition of their eligibility.

Application Form: A copy of the application form used for ___(insert name of transit agency)___ADA complementary paratransit service is provided at the end of this section. *Attach.* Large print, audio, electronic, and other accessible formats are available upon request, as well as in Spanish *or other applicable language per your system’s Limited English Proficiency / Language Assistance Plan.*

Review Process and Time Frame: Upon receipt of a completed application, ___(insert name of transit agency)___ will review the application and determine the individual’s eligibility within 21 days of receipt. This responsibility has been assigned to the ADA Coordinator *or other designated individual.* If a determination is not made within 21 days, the applicant is treated as eligible and will receive service until such time as a determination of eligibility is made.

Note: If your system also relies on an in-person assessment, include a description of this process, responsible parties, and time frame.

Notification of Eligibility: Each applicant will be notified in writing by mail of their status within 21 days of submitting a properly completed application (*and completing the in-person assessment if applicable*). If determined eligible, this letter will serve as temporary eligibility documentation as described below. The procedures for using ADA complementary paratransit will also be mailed with this letter in a format useable by the individual (such as large print, audio, or electronic file).

Those persons determined to be ineligible will be provided with specific information as to why their application was rejected and instructions on how they can appeal the decision (described below). This information will also be mailed with this letter in a format useable by the individual.

Documentation: The ___(insert name of transit agency)___ will provide certified individuals with documentation that can be used as identification for reciprocal eligibility for ADA complementary paratransit service in other areas of the communities in the United States. This documentation will include the following information:

- Name of eligible individual
- Name of certifying transit provider – ___(insert name of transit agency)___
- Telephone number of the ___(insert name of transit agency)___ ADA Coordinator
- Whether or not the rider requires use of a lift or ramp
- Expiration date
- Any conditions or limitations on eligibility
- Whether person travels with a PCA
- Information on the appeal process if the individual is denied eligibility or has conditions placed on eligibility.

Term of Eligibility: Once determined eligible, a person maintains eligibility for ___ years. Recertification is required every ___ years. *Note: Fill in the number of years, per your system’s specific eligibility process. The ADA regulations state that recertification may be required at “reasonable intervals.” Typical intervals used by many transit systems are three and five years.* Persons given temporary eligibility remain eligible for the duration of time of the temporary disability, as determined through the certification process and indicated in the documentation that is to be provided to the applicant.

Appeals Process: The appeals process will be explained to all applicants who are rejected or permitted only partial (conditional or temporary) service. The applicant has 60 days to file an appeal with ___(insert name of transit agency)___, with the decision to be made by the ___(insert name of transit agency)___ Chief Operating Officer *or other official not involved in the original decision*. The notification of intent to appeal may be submitted in person, by telephone, or in writing. Written appeals may not be required, but riders may have that option. The applicant will be afforded an opportunity to be heard and to present information and arguments in person. The Chief Operating Officer has 30 days from the date of the appeal to render a decision concerning the appeal. If a decision is not reached within 30 days, the applicant will be presumed eligible until a decision has been reached. The ADA regulations require that the person who makes a determination on an appeal must not be involved in the initial determination of the individual’s eligibility. *Note: The ADA establishes the right to complementary paratransit as a civil right, and as such, there is an obligation on the part of the transit system to ensure “due process.” Small transit agencies that do not have enough internal staff to have a second decision-maker for the appeals process could consider involving external individuals with disabilities or specialists in*

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various types of disabilities (such as orientation and mobility specialists, mental health professionals, social workers, physical and occupational therapists). See Chapter 9 of FTA Circular 4710.1 for an explanation on the separation of functions required for the appeals process (Section 9.7.2) and suggestions for selecting individuals to bear appeals (Section 9.7.4).

ADA Complementary Paratransit Service for Visitors: ADA complementary paratransit eligible individuals visiting from other localities outside of the system's service area will also be served when eligible trips are requested. The visiting individual's local certification will be honored by ___(insert name of transit agency)__. If a visitor does not have ADA complementary paratransit certification from another jurisdiction, but makes a claim of eligibility, that claim will be honored as required by the ADA. However, in such cases, ___(insert name of transit agency)__ reserves the right to require proof that the individual is not a local resident, and if the individual has a disability which is not apparent. Service to visitors is limited to 21 days during any 365-day period beginning with the visitor's first use of the service during that period. Visitors who anticipate requiring service for more than 21 days in a 365-day period must apply for eligibility.

Personal Care Attendants: ___(insert name of transit agency)__ will provide ADA complementary paratransit service for a personal care attendant (PCA) traveling with the eligible rider. The need to travel with a PCA will be determined by the applicant, and noted as part of the eligibility determination process. It is important to note that the PCA may not directly be needed for transportation, but may be needed at the individual's trip destination (for example, to assist with grocery shopping) and thus need for a PCA will not be limited to those individuals who require assistance in traveling. An individual who is certified as needing a PCA cannot be denied service if they chose to travel without a PCA, and may not be required to travel with the same PCA for every trip.

Service Characteristics and Operating Policies: ADA complementary paratransit is comparable to ___(insert name of transit agency)_'s fixed route system (excluding commuter bus routes), based on the following service characteristics and operating policies.

Geographic Service Area: ADA complementary paratransit is provided within a three-quarter mile radius corridor surrounding each fixed route, plus relatively small areas enclosed by fixed routes. *Attach a map of the service area and/or boundaries of areas covered.*

Days and Hours of Service: ADA complementary paratransit is provided within the same days and hours as the fixed route services. *Attach the current fixed route operating schedules.*

Fares: The one-way trip charge for ADA complementary paratransit is \$_____. The fare charged for ADA complementary paratransit will not exceed twice the regular general public cash fare for the equivalent trip on the fixed route service. In the event that the regular public cash fare is increased the transit system may increase the ADA complementary paratransit fare accordingly. *Attach the current fixed route and paratransit fares.*

If the ADA complementary paratransit-eligible individual travels with a PCA, the PCA will not be charged a fare for ADA complementary paratransit.

Trip Purpose: ADA complementary paratransit is provided for trips of any purpose; no priorities are placed on specific types of trips.

Trip Scheduling and Response Time: Reservations are accepted for ADA complementary paratransit trip reservations on a next-day basis, until regular close-of-business hours. Riders may schedule trips by calling the ___(insert name of transit agency)___ office Monday through Friday from ___ a.m. to ___ p.m., Saturday from ___ a.m. to ___ p.m., and Sunday ___ a.m. to ___ p.m. (if applicable) to schedule trips for the next service day. For trips on Monday and service days following holidays, reservations are accepted on Sundays and holidays via _____. *Note: Detail how your system meets this requirement such as an answering machine/pager, Sunday office hours, or other means.*

Service Capacity and Scheduling Flexibility: As required, ___(insert name of transit agency)___ will provide adequate capacity to meet all demand for eligible ADA complementary paratransit trips. In some cases, it may be necessary to negotiate trip times with the rider; however, in no case will any trip be scheduled more than one hour before or after the rider’s desired time (that is, a trip requested for 11:00 a.m. may be scheduled as early as 10:00 a.m. or as late as 12:00 noon).

In order to meet the ADA requirement for ensuring adequate capacity, ___(insert name of transit agency)___ will monitor the following indicators of capacity to ensure that no patterns or practices of capacity constraints are found:

- **On-time performance** – ___(insert name of transit agency)___ measures on-time performance according to vehicles that arrive within a promised ___(insert number of minutes)___ “window” of time. A vehicle that arrives within this “window” is considered on-time. *Note that the FTA considers a pick-up “window” of longer than 30 minutes to be unacceptable. For example, if the rider is promised the vehicle will arrive between 10:15 to 10:45 am, the vehicle is considered on-time if it arrives at 10:16, 10:33 or 10:45. The ADA prohibits substantial numbers of significantly untimely pick-ups for initial or return trips, as this may be a capacity constraint. Refer to Chapter 8, Section 8.5.3 of the FTA ADA Circular for a discussion on determining what would be untimely service.* ___(insert name of transit agency)___ will try to ensure that all trips are on-time but because of the realities of operating conditions (e.g., poor weather, road construction), not all trips will be on-time. Should on-time performance fall below ___ percent, actions will be taken to address and improve trip timeliness.
- **Trip denials and missed trips** – ___(insert name of transit agency)___ plans to meet all requests for ADA complementary paratransit service based on expected demand and to avoid any trip denials or missed trips. There may be insignificant numbers of trips denied due to unforeseen conditions. There may also be an insignificant number of missed trips, defined as a trip where the vehicle arrives late and the rider either is no longer there or declines the trip due to lateness, because of the realities of operating conditions. Trip denials and missed trips will be monitored to ensure capacity is adequate.
- **Trips with excessive lengths** – ___(insert name of transit agency)___ monitors travel times on ADA complementary paratransit to ensure comparability to the same or comparable trip if taken on fixed route. *Note: FTA recommended basing complementary paratransit travel time on the comparable fixed route travel time, plus 20 to 30 minutes to allow for a reasonable estimate of time spent*

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walking to and from a bus stop, waiting for the bus to arrive, and making any necessary transfers from one vehicle to another. State DOTs may have additional guidance for subrecipients around this requirement. If state requirements/guidance and federal regulations are contradictory, the federal ADA regulations prevail. Paratransit trip lengths must be monitored to ensure compliance with ADA. For FTA guidance on setting performance standards on and monitoring trip lengths, see Section 8.5.5 of the FTA ADA Circular.

Subscription Trips: As permitted by the ADA regulations), ___(insert name of transit agency)___ may provide a portion of its ADA complementary paratransit trips on a subscription basis (also called standing orders). Unlike other ADA complementary paratransit trips, trip priorities and waiting lists for subscription service may be established. *You can decide to set priorities for subscription service – if so note here.* ___(insert name of transit agency)___ does not have capacity constraints, there are no restrictions on the percentage of trips that will be provided as subscription trips. *Note: The requirements specify that subscription service may not absorb more than 50 percent of the available trips at any time of the service day, unless there remain trips available for non-subscription riders. That is, as long as there is capacity available for non-subscription trips (i.e., no trip denials) for next-day service, trips for subscription riders may exceed 50 percent of the available trip capacity.*

Companions: An ADA complementary paratransit rider is permitted to travel with at least one companion (and more than one on a space-available basis). Companion passengers pay the same fare as ADA riders. The eligible ADA rider shall reserve space for the companion(s) when the rider reserves the ride. Any companions traveling with the eligible individual must share the same trip origin and destination as the eligible individual. The companion is in addition to any PCA with which the rider may travel.

Origin-to-Destination Service and Passenger Assistance: ADA complementary paratransit services will be provided on a curb-to-curb basis Note if you do all trips door-to- door and, if so, adjust the next paragraph. ___(insert name of transit agency)___ drivers will assist ADA complementary paratransit riders with boarding and disembarking from vehicles and in securing their mobility devices. All drivers who operate ADA complementary paratransit services will be proficiently trained in passenger assistance and sensitivity towards individuals with disabilities.

Riders will be required to travel to the curb outside of their trip origin in time for their scheduled pick-up. Riders who require additional assistance in the form of door-to-door service in order to use the ADA complementary paratransit may request a modification of this policy by contacting the ADA coordinator at _____. In such case, the driver will provide assistance on a door-to-door basis. This ensures that ___(insert name of transit agency)___ meets the ADA requirement to provide service on an “origin to destination” basis. While limited assistance in guiding a passenger from their door to the curb may be provided on a case-by-case base, this must be prearranged and indicated when the trip is scheduled.

The staff of ___(insert name of transit agency)___ will not lift a passenger, leave a vehicle unattended or out of visual observation for a lengthy period of time, enter a rider’s home, care for service animals, operate a power wheelchair, provide personal care attendant (PCA) service, or take actions that would be clearly unsafe. If more extensive assistance is needed by the individual than ___(insert name of transit agency)___ can provide as a provider of public transportation, the individual will be responsible for arranging personal assistance. Staff of ___(insert name of transit agency)___ will work

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with the individual and/or the rider's caregiver/social worker to clarify parameters of the assistance provided by the driver and formally document this in a letter sent to the individual.

No Show Policy: If no shows become a problem for ADA complementary paratransit riders, the ___(insert name of transit agency)___ will establish an ADA no-show policy with input from the disability community. A no-show policy allows a transit system to discipline riders who establish a pattern or practice of missing scheduled trips, which can have a negative effect on paratransit performance. *If your transit agency has established a no-show policy, replace this paragraph with your local policy. The FTA ADA Circular provides a sample no-show policy as an attachment to Chapter 9.*

ADA Complementary Paratransit Commingled with Fixed Route Service: ___(insert name of transit agency)___ provides ADA complementary paratransit using the same vehicles as fixed route bus service, by deviating from the fixed route service for ADA complementary paratransit eligible trips. This commingled service follows the policies and procedures detailed above for ADA complementary paratransit service.

Template for Appeal Process for ADA Paratransit Eligibility Determination and Service Suspension from Excessive No-Shows

The purpose of this document is to provide rural public transit agencies with a sample of an appeals process for ADA complementary paratransit. This template is only appropriate for public transit systems that provide ADA complementary paratransit (which is required only for public transit agencies that provide fixed route services). Transit agencies which provide ADA complementary paratransit must establish an appeals process through which individuals who are denied eligibility or receive conditional eligibility can obtain review of the eligibility decision. An appeals process must also be in place for appeals related to ADA complementary paratransit service suspensions because of excessive no-shows. The appeals process must comply with 49 CFR Section 37.125(g). The FTA ADA Circular provides guidance on the required appeals process in Chapter 9, Section 9.7. The transit agency is advised to review this guidance.

Instructions:

The transit agency is advised to carefully read all elements of this process template and edit to reflect its local policies and practices. The items in red should be customized for the transit agency and its own local policies.

The items in purple are additional notes and instructions related to customizing the template. Please make sure to delete these comments in the final policy document.

__ (insert name of transit agency) __

Appeal Process for ADA Paratransit Eligibility Determination and Service Suspension from Excessive No-Shows

Date: _____

Introduction and Purpose

The U.S. Department of Transportation (U.S. DOT) regulations for implementing the Americans with Disabilities Act of 1990 (ADA) ([49 CFR Part 37](#)) require a public transit agency with ADA paratransit service to have an appeals process as part of its eligibility determination process [\[49 CFR](#)

[Part 37, Subpart F, 37.125\(g\)](#)] and for service suspensions related to a pattern or practice of no-shows [[49 CFR, Subpart F, Section 37.125\(h\)](#)].

Policy

___ (insert name of transit agency)___ has established an appeal process for the following:

- An applicant for ADA paratransit or an eligible rider recertifying eligibility who is denied eligibility or given conditional or temporary eligibility may appeal the decision.
- An ADA eligible rider receiving notice of a service suspension due to a pattern or practice of no-shows may appeal the decision.

Procedures

- **Submit an Intent to Appeal:** The individual appealing, referred to as the appellant, must submit an intent to appeal in writing, and it must be filed within 60 days of notification of the eligibility determination or of a service suspension.
 - The written intent to appeal should be sent:
 - By first class mail to ___(insert position name, name of transit agency, and mailing address)___, or
 - By email to ___(insert appropriate email address – should be an address that ensures those logging/tracking appeals to receive)___.
 - The written intent to appeal may state the reason(s) for the appeal with supporting information, and this would be helpful for ___ (insert name of transit agency)___ to review the appeal, but this is not required.
- **Appeals Hearing:** Once the intent to appeal is received, ___ (insert name of transit agency)___ will schedule an Appeals Hearing within 30 days.
 - The appellant will be notified in writing of the date, time, and location of the Hearing.
 - The appellant may attend in person along with an attendant or representative if desired; however, attending in person is not required.
 - If the appellant does not attend in person, they may have another person attend as the representative. This also is not required.
 - The appellant may provide before the Hearing or bring to the Hearing any information or evidence, orally or in written form, that supports the appellant's appeal.
- **Appeals Committee:** The appeal will be heard by the Appeals Committee, which is composed of three staff members of ___(insert name of transit agency)___ . These include the ___(insert titles of positions appointed to the Appeals Committee, e.g., *General Manager, the Operations Manager, and Administrative Services Manager*) ____.

Sample ADA Policies for Rural Public Transit Systems
Template for Appeal Process for ADA Paratransit

[Depending upon the staffing of the transit agency, the three positions may vary but importantly, the staff member who made the determination on eligibility or the service suspension must not be involved as a member of the Appeals Committee. Section 9.7.4 of the FTA ADA Circular notes that an optional good practice for eligibility-related appeals is to compile a roster of specialists to call upon according to each appellant's disability. See Section 9.7.4 of the FTA ADA Circular for additional selections.]

- **Decision:** The Appeals Committee will make a decision on the appeal within 30 days of the Appeals Hearing and provide the decision and reasons for the decision to the appellant in writing. If a decision on the appeal has not been made within 30 days after the Appeals Hearing, the appellant will be provided ADA paratransit service until a final decision is made.
- **Is ADA paratransit provided during the appeals process?** The provision of ADA paratransit from the time when the appeal is received by __(insert name of transit agency)__ to the time when a decision on the appeal is made depends on the reason for the appeal:
 - If the appellant is a new applicant for ADA paratransit, no ADA paratransit will be provided until a decision has been made by the Appeals Committee.
 - If the appellant is currently eligible for ADA paratransit and whose recertification is denied or given conditional or temporary eligibility, ADA paratransit will be provided until a decision has been made by the Appeals Committee.
 - If the appellant is appealing service suspension due to a pattern or practice of no-shows, ADA paratransit will be provided until a decision has been made by the Appeals Committee.
- **Recordkeeping:** Documentation related to the appeal and its outcome will be retained for a period of three years, with a record in summary form kept for five years. *[Recommended but not required by ADA regulations for appeals. Note that ADA-related complaints must be kept on file for one year, and a record of all such complaints, which may be in summary form, must be kept for five years.]*